THEOLOGY OF THE BLESSED A.-M. OF DILIGIORIO. NEW EDITION, WITH ADDITIONS OF THE GREATEST IMPORTANCE AND THE STUDY OF DOMINUS REGEVEUR, PROFESSOR IN SORBONA. FOURTH VOLUME, ON CANONICAL HOURS, ON HUMAN ACTS, ON SINS, ON SACRAMENTS IN GENERAL, ON BAPTISM AND CONFIRMATION. PARIS, WITH GUTHIER BROTHERS AND PARTNERS, BOOKSELLERS, IN THE STREET CALLED MAUTE-FEUILLE, NO. 8; AND VESONTIONE WITH THEM. — / 1838.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, # THEOLOGIA FORABILE..... # FOURTH BOOK OF THE SECOND CHAPTER DOUBT II. CONCERNING CANONICAL HOURS. ## ARTICLE I. ## Who are bound to Canonical Hours? 140.

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For the good? Doubt. III. Are they condemned to three-rowed ships? Are those condemned outside the Cloisters? — 143.

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Are Bishops bound to recite in choir? No. Do those who do not understand more than is recited in full, have to supply what has been omitted, so as to serve in the choir? Does the omission of a lesser part suffice to gravely sin in choir, when it does not suffice in private prayer? — 144. On the Obligation of Beneficiaries regarding the Office.

Whether a Beneficiary, having been deprived through grave fear, is bound to the Office? See elsewhere in Busemb. — 145. Q. 1. How many sins does a priest who negligently omits the Office commit? Question.

II. Whether a beneficiary gravely sins by omitting an office if he wishes to restore the fruit? — "Resp." Major Orders' clerics, even if suspended, excommunicated, or degraded, are held both by ecclesiastical law and general custom of the Church. I said Major Orders; because Minor Orders are not so strictly bound, neither to the Hours nor to Psalm Miserere, which, or something similar, when the Bishop conferring the first tonsure joined, does not seem to obligate them except that it may be done occasionally, or by way of counsel. a. c. 37. d. 9. n. 47... THEOLOGIA MORALIS. FROM THE PRINTED PRESS. GAUTHIER, YESINTONE. # THEOLOGIA # MORALIS BEATI A.-M.

FROM LIGORIO. NEW EDITION, WITH ADDITIONS OF THE GREATEST CARE AND STUDY BY DOMINUS REGEVEUR, PROFESSOR IN SOBONA. THE FOURTH BOOK, ON CANONICAL HOURS, ON HUMAN ACTS, ON SINS, ON SACRAMENTS IN GENERAL, ON BAPTISM AND CONFIRMATION. [TRANSLATION_ERROR after 3 attempts: 400 Client Error: Bad Request for url: http://127.0.0.1:1234/v1/chat/completions] [TRANSLATION_ERROR after 3 attempts: 400 Client Error: Bad Request for url: http://127.0.0.1:1234/v1/chat/completions]

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Not. 1. Whether, and when Religious are bound to chant in the Choir? What if they are occupied? Not. 2. Whether grave sinners, prelates, should recite the Office negligently in choir?

Do Bishops owe it to themselves to recite in choir? No. 3. Do those who do not understand more than is recited in full, have to supply what has been omitted, so as to serve in the choir? Does the omission of a lesser part

suffice to gravely sin in choir, when it does not suffice in private prayer? — 144. On the Obligation of Beneficiaries regarding the Office.

Whether a beneficiary ordained through great fear is bound to the Office? See elsewhere in Busemb. — 145. Q. 1. How many sins does a priest who negligently omits the Office commit? Question.

II. Whether a beneficiary gravely sins by omitting an office if he wishes to restore the fruit thereof? — « Resp. Major Orders' clerics who are suspended, excommunicated, degraded, are held both by ecclesiastical law and general custom of the Church. I said Major Orders; because Minor Orders are not so much bound neither to the Hours nor to Psalm Miserere, which, or something similar, when the Bishop conferring the first tonsure joined in, does not seem to obligate them except that it may be fulfilled occasionally, or per modum consilii. 2. c. 37. d. 9. n. 47. 4. ## Whereupon these cases are resolved: « 1. He is bound to the Hours who, with a dispensation from the Pope, took a wife; unless in this very matter he himself be dispensed: for the dispensation, being odious, must be strictly explained, and it retains its character. "Bon. et Az. l. 10 c. 5. contra alios." 2.

The cleric begins to be obligated from the point of Subdiaconate received, and indeed from the hours answering to the hours in which he is ordained. Good. "tr. de Horis q. 1. punct. 5. ex communi." Hereupon says Croix l. 4. » n. 1187 cum teneri Subdiaconum die quo ordinatur ad Horam, quae tunc dicenda esset in Sed: huic opinioni non acquiesco, quia verius Ordinatus tenetur ad Horam, quae respondet ad horam, in qua contrahit obligationem; quapropter regulariter tenetur recitare ab Hora sexta, ut recte ait P. p. 397 n. 5 cui adhaerent: An autem Subdiaconus qui recitaverit partem illam ante Or- dinationem, suae obligationi satisfecerit?

They deny p. 619 and Croix l. 4 n. 1187 both Bonaventure and otherwise, because the Church demands the Office from Subdeacons, that they perform it in their name; but he who is not yet a Subdeacon cannot recite the Office in the name of the Church. They affirm however, c. 5. n. 9. and Lugo, 6. R. 38. et putant Croix l. c. et Vica q. 3. a. 1. n. 8. quia bene potest debitum illud anticipaté solvi, quod certò moraliter est contrahendum. The first opinion seems more probable, because the Church demands that the Office be performed by a Subdeacon, using his name to discharge that obligation; whereas one who is not a Subdeacon, nor designated as a public Minister by the Church, cannot, in the name of the Church, recite the Public Prayer nor effectuate the Public Rite. But this could be replied to, that even an excommunicated Priest cannot pray in the name of the Church nor perform a public prayer; and yet he is bound to recite the

Office, and by reciting it well he satisfies; therefore, there is no need for him to pray while reciting in the name of the Church: Wherefore I still find the second opinion probable. Resp. 2.

All religious men, who are professed and destined for the choir, both sexes, are obligated to Hours: this is by ancient and received custom; yet some, such as Aragonius, do not consider it so strictly bound that they would commit a mortal sin if they omit them twice or thrice. And concerning nuns, Cajetan doubts. Middle 12. Reply to 17. But these (and indeed all Religious persons who have not been initiated by sacred rites) are not held under the burden of sin absolutely, but Peter teaches very laxly in tr. 6, res. 7.

» contrary to the common and true opinion of others, which teaches that they are to be held according to their rules and customs. p. 2. n. 5. ex . Malder. ## Whereupon the matter is resolved: "1." They are not bound by the Hours i. Novitii, 2. Converted, 3.

Militants, Hospitalaries, and others not destined for the choir. . 1. " 2. Qui transigit a una religione in aliam, in qua haec consuetudo non est, non tenetur, quia consuetudo ubi non est recepta, non obligat. Thus. The same is said of a Religious who has been ejected, or who has obtained a perpetual dispensation to live outside the monastery, because although he remains a Religious, he is nevertheless not regular. Thus probably Sotus, 1. q. 2. p. 2. n. 4. etc., contra Hic confert aliqua praenotare de institutione Divini Officii- Horae Canonicae, ut fertur, saltem quoad substantiam, institutae fuerunt tempore Apostolorum, ut indicatur Actor. 2. ubi narratur, quod Fideles erant perseverantes in fractione panis et orationibus; id est in psalmis, hymnis, et canicis spiritualibus cantantes et psallentes, juxta Apost. ad Eph. 5.

Clemens hoc clarius significavit. Pope I. lib. 8 cap. 4 ubi suis clericis sic praecepit: Precationes facile mane, hora tertia, sexta et nona, et vespere, et ad galli cantum. Gelasius autem I., ut ferunt Azorius et Fill., legem publicam constituit, qua Clerici septies in die Canonicas preces persolvere cogerentur. As regards however the form of the Breviary, Radulphus states in Sacculus XIII. in the Pontifical Church that it was a breviatum, and therefore it came to be called Breviary. V. Another at page 4, line 1, chapter 40, section 142. — Firstly, it is necessary to note more extensively here regarding the obligation of Religious to recite the Office, and subsequently regarding its recitation in R. 30.

Arms. v. Hours, Sa eod. verbo n. 1. item Jo. tr. 16. de n. 16. et 17. et probabilem putat . . Hours casu 14. Reason, because although there is

custom in this, it does not nonetheless stand firm, as Cajetan says. Cons. 7. c. 2. d. 3. n. 4. putat eam fuisse introductam à Religiosis cum animo graviter se obligandi. The second opinion holds that Religious and Moniales do not gravely sin when they omit the Office only occasionally and not frequently.

The third however common opinion, which we shall follow and maintain, is that found in 2. c. 37. n. 47. l. 7. c. 2. dub. 3. anaci. pag. 190. n. 18. c. n. 19. et P. p. 399 ex vum. 3. cum S. item. 6. n. 1 et 2 qui contrariam rejicit; and Reg. apud 2. c. 5. n. 13 vocat temerariam; and Diana thoroughly disapproves of it, referring to page 65. P. Multum Vitteleschi Præp. prohibuisse, ne quis suorum opinionem illam doceret ut probaretur. IV, DE PRÆCEPTIS PARTICULARIBUS, CAP. II. bilem; et eamdem reprobatam fuisse a Universitatibus Hispaliensibus, Conimbricencibus, etc. Necnon jussu Pontificis ipsam erasam fuisse a libro Emman. Yes. Our own opinion teaches that they are bound under a grave obligation daily to recite it, according to the prescribed custom.

It is likewise no justification to say that there was not a firm intention on the part of the Religious to bind themselves gravely; for according to the general rule, possession is presumed from ownership: but since this custom has been constantly observed by Religious and Monials with great inconvenience, and Prelates have always severely reproached those who do not observe it; this suffices as presumption that they themselves, reciting such a custom, truly intended to bind themselves gravely: if therefore presumption is held to be equivalent to obligation, then possession is likewise so held. See what is said in a similar case concerning abstinence from lacteary foods, L. 3, n. 1009, v. Doubt is cast upon it. It is commonly conceded by the Doctors that prelates, even inferior ones, can be dispensed from observing congruent other observances with their subjects on account of studies and similar reasons, so that they do not recite the Office. Thus it is that if in some Religious Order there were to be no such custom, such an obligation would not exist therein; Adam, ibid., with Bonaventure.

Caj. It is doubted whether Religious who are ejected by virtue of a sentence are bound to perform the Office? They affirm Cabass. T. I. l. i. c. 21. n. 18. p. 403. n. 16. Anacl. pag. 191. n. 23. cum ., quia ipsi retinent statum, et adhuc eos reputantur Religiosos.

But not improbably they deny with Busenb. l. 8. D. 8. n. 11. c. 37. n. 50. cum Soto, et d. 4. tr. i. c. 4. n. 2. qui hanc tutam vocat sententiam. Reason, because the essence of Religious status has already been extinguished in them, since they are no longer bound by vows, as he supposes; and it is

not within their power to return to Religion. It is doubted whether refugees among the Religious are bound to perform the Office? He denies it according to Bonaventure in the First Question, Tenth Part, Article 2, Number 6, and considers it probable, saying that (as they say) these are constituted in a state to which the recitation of Hours is not fitting.

But rather it is better according to chapter 37, note 50, and they teach that it should be observed. Reason, because those who do not lose their own state of religion thereby are not relieved from its burdens. There is doubt whether Religious persons condemned to row in triremes are bound to spend hours reciting? Number two affirms when Naught; because these remain Religious. But commonly denies Cabass.

Liber ius tertium caput vicesimus unus nomen undecimum qui tamen ait teneri clericos constitutos in sacris sed de utrisque negant numquam quidem caput tresdecimum nomen quadraginta quinque. Sot. l. 19. q. 5. art. 3. l. 8. D. 8. n. 11. pag. 403. n. 17. et n. 4. cum si in illa damnatorum turba statum suum ostenderent; tum quia in eo de horis canonice dubitatur, DUB. II, ART. I. 5 tam miserabiliter constituto statu non videbantur ipsi hoc onere gravandi. Religious persons, however, who are indulging through license outside the Cloister, are bound to attend the Office, as Concina states on page 403, note 15, with note 4, etc., at page 143 — For this reason, more needs to be added here concerning the recitation of Religious in the Choir.

Note 1: That no Religious or Monastic sister is particularly bound to say Gravie Hours in the Choir; as commonly taught on page 377, note 4. Anacl. pag. 191. n. 21. art. 1. n. 6. et n. 5. cum . Therefore, unless there are at least four competent individuals, there is no obligation for the choir, as Wigandt states in note 84. R. 2. 2. c. 5. §. 1. n. 12. pag. 448. n. 471. . 1. cum Probabiliter autem putant . n. 6. . cum (contra W igandt pag. 430.) sufficere ad satisfaciendum Choro, ut soli Novitii intersint, quia ipsi in favorabilibus reputantur ut Religiosi. Here incidentally noted with n. 3, that on account of just cause it is permissible for Religious to recite Hours in the Sacristy at times.

Note 2. that gravely sinful prelates who through negligence permit the omission of a notable part of the Divine Office in choir, as commonly taught, according to lib. 4, c. 10, n. 3. Concina tom. 2. pag. 385. n. 19. n. 14. cum : quia, si non dubitatur de præcepto dicendi Horas in Choro, nec dubitari debet violari præceptum, si pars notabilis Officii omittatur. Bishops are bound to oversee, that the Office be performed by the Canons in choir, and rightly. Otherwise, strictly speaking, bishops are not bound to take interest in the choir, not even on feast days; for this is a custom, and

moreover because they themselves should attend to more important affairs. Thus. 9. n. 14. vers.

Discussion, when Val. Th., qui 2. 2. q. 91. art. 2. ad 3. sic docet.: Prælati non debent insistere in cantibus, ne per hoc à majoribus retrahantur. Notandum 3., quod in Choro non tenentur omissa supplere ii, qui dum alii cantant, parant aut transferunt libros, perquirunt psalmos, pulsant organa vel campanas aut alia Choro necessaria peragunt; tunc enim per socios suppletur quod ipsi forte non satis percipiunt. Thus commonly with . 10. c. 13. q. 2. nu. 197. nu 19. n. 7. cum ac Croix lib. 4. n. 1300. cum Va- lent. Reg. p. 4. n. 7. §. 1. 13. cum etc., qui dicunt hoc satisfacere quidem assistentiae Chori quoad distributiones lucrandas, sed teneri ad supplendum, si non attenderint ad ea, quae interim sunt recitata.

And the same is understood by . 448. n. 471., who nevertheless excuses it if the matter be slight, for instance, what does not pertain to the entirety of the psalm. But the first opinion is sufficiently probable, because while someone is occupied with things pertaining to the celebration of the Office, the entire choir supplies in his place; just as he who ministers at Mass is considered to hear it when he attends to necessary matters, according to the Toletans and their like, who note the same thing being taught by Soto and Naun. But I do not assent to this, since it is rightly taught by Bon. l.c., n. 1300. Item probabiliter ibidem. Et Diana excusat etiam eum qui in Choro perlegit lectionem, ne erret; alioquin erraturus est; haec enim causa satis excusat ab illa levi omissione. They feel, however, n. 17. cum. 3. et n. 471. cum Notandum 4., that according to the Bull of S. Pius V, A Nobis, all those who make use of the Roman Breviary are dispensed from reciting in choir the Office B.

V. Mariae, Defactorum, et psalmos poenitentiales; praecipitur vero servari consuetudinem haec Officia reci- tandi in locis ubi viget. This obligation does not affect individuals outside the choir, but only the Community, as the Council correctly states on page 385, note 21, and on page 450, note 474, along with others 144. — "Resp. 3. Beneficiaries, quorumcumque habent jus in re, et plenum dominium Beneficii, si fructus percipiant vel percep- turi sint, tenentur ad Horas, l. 4, tr. 2, c. 4, n. 1 ex communi, et Conc. Subsequentem sub Leone X.

The reason is because a benefit is given on account of the office. Hence it resolves: "1." They are not bound before acceptance of possession, nor if without their own fault they neither receive any fruits nor expect to receive them. . 4. c. 5. n. 3. quia non habent Beneficium secundum omnem effec-tum. ˚ (Hoc certum est. See what has been said regarding Rest. l. 3. n. 564.) ˚ However, they seem to be bound by reason of fruits to read at

intervals. Trull, l. c. " 2.

He is bound to be considered as one who, even though (whether with or without his own fault), does not receive all his fruits, yet nevertheless receives so much as suffices for sustenance. Bonaventurae, distinctorium 1., quaestio 6., paginis 3. « 3. Those are bound who, either in the first or even second year do not receive the fruits, because they are assigned to the workshops, or for the sake of the predecessor who has died: because themselves also being dead, they suffer the same privilege, and thus satisfy the workshop throughout their entire life. n. 22. And I call it probable, 45; and He denies Himself to be such a dramatist, inasmuch as He can either resign or die before, and thus not enjoy habitual grace. c. dub. 13 § 3. "4."

They are bound also those who have a benefice except eight, for example. » or ten golden pieces; for the laws impose an indiscriminate obligation upon all, and this corresponds to those who are in higher orders. » » Thus probably, Sylo. 1. q. 2. n. 17. et communis contra Sot. . Vide c. Escob. tr. 5. E. 7. c. 13. quorum sententiam non damno. (See the aforementioned law 3, n. 674.) See 1.

» c. 7. dist. 12. §. 5. ubi notat, eum qui habet plura beneficia tenuia ex quibus habeat competentiam teneri ad horas. "5." He is not excused who receives little at first because he expends the fruits on a substitute; for the burden of Hours is annexed to the Benefit and personal to it, with which it is spontaneously accepted. Bon. l. c. ex etc. « 6.

If a son is compelled by his father to enter the ecclesiastical state, he himself incurs the penalty; but if the father incurs the penalty, he is obligated to restitution. Note 2. Ex 2. c. 34. d. 31. They hold the same on page 618 at the end and page 40. Now if the fear be great; when this ceases (says Tourn.), this cleric is bound to resign the benefice as soon as possible. It is asked whether he who has received the Sacred Order unjustly through fear is bound to perform the Office? They affirm, the Council on page 397, number 4, with Saint Anthony.

Syllow. But more probably they deny it, Tourn., d. n. 618. cum . à S. Ign. . l. 7. Doctor 2. number 7. D. 2. p. 1. §. 1. n. 1. with Nao. and Sa. 8. c. 6. n. 50. with Bon. l. c. n. 46. as we have said regarding Voto lib. num. 197. vers. But the question; and we say in lib. 6. n. 811: "7."

It is probable that he who does not reside ex legitima licentia, or dispensation, therefore does not receive the fruits, should not be held to Horas; because this obligation is due on account of the sustenance given.

Chapter 1, canonic 7, decree 13, section 3, from "8." Those who have precepts, which are customarily given to youths as a subsidy for studies, are not considered proper benefices. Thus Med. Garz. et .

Soph. et 8 LIB. IV, ON PARTICULAR PRECEPTS, CHAP. II. 6. rationem præstimorum considerandam: Si enim dantur in titulum perpetuum et habeant aliquod obsequium spirituale, quod per laicum expediri nequit, esse beneficia ecclesiastica, proinde obligare ad horas; secus si consistant in solo obsequio temporali. Similarly, pensioners are not bound to say hours, since pensions are not properly called Beneficia, as might be supposed from the doubt previously mentioned. What is limited by E. 6. c. 3. ex Palao, if they enjoy a pension on account of secular obsequia: similarly, if it is through a clerical title: (See n. 138.) Finally, the coadjutor is not bound if he does not administer; because the obligation holds for the proprietor, . 9.

» (It is common with n. 29.) ©. » « 9. Even though possessing multiple Beneficia, he is bound to make commemoration according to the number of such Beneficia or of the Patron of such Beneficiums; for the reason is altogether fitting. Good. C. n. 27. 148. — It is asked I. He who is bound to recite the office by reason of his benefice and by reason of the title of Sacred Order, omitting that, commits two sins? These three things must be assumed as certain: It is certain that this person sins against Religion in reason of the Sacred Order for which the Church obliges him out of the motive of Religion to recite Hours.

It is certain that a Beneficiarius who omits the Office always sins against Religion, even if he does not have the Sacred Order, and even if he wishes to restore the fruits [of the office], as we shall say in the question sequent below where the Question Nonelies. It is certain 3. that such a Beneficiary, if he omits the Office and does not wish to restore the fruits [of it], will sin not only against Religion but also against Justice, because by neglecting the Office he could not acquire the fruits, as they say in c. 16, d. 2, n. 32, according to the sentence which True Sotus and Suarez hold, n. 1216 (Quidquid dicant alii ib.). For this is evident from the Lateran Council, lib. 3, cap. 663, where it is said: He who does not perform the Office shall not make his fruits. But the difficulty is, whether a Beneficiarius, willing to restore the fruits, commits a sin against justice, even if he omits the Office with the intention of restoring the fruits? The first opinion affirms this, and this is held by them. 4th part, I, chapter 4, note 5, infra, book 9. D. 15. n. 6. infn.

Goodness. D. i. q. 5. p. i. n. 4. et . 2. c. 37. n. 52. Reason, because although the benefit is principally given for the sustenance of the beneficiary, it is

nevertheless given with the condition of reciting the Office; for a moral axiom holds that a benefit should be conferred on account of an office; hence, if the beneficiary omits the Office, he sins against justice, because he does not fulfill the pact. The second opinion, however, is more probable, as they hold in . 2. p. 5. n. 3. with p. 192. n. 36. . 441. n. 457 tr. 12. R. 22. with Salas and Homobonus, c. 2, n. 32. with S and .

But this with respect to canonical hours, DUB II, ART. I. 9 pactum is not held, as rightly they say, n. 157. and c. Alias (as that same one says, . 443. n. 462. v. You will instate, according to a. c. 34. n. 180., that the Church was unable to exempt Beneficiaries who did not recite initially during the first semester from the obligation of restitution. Neither is there a pact with regard to the Church, since that will in no way or by any right be approved or proven. Until therefore it is established concerning this pact, it cannot be said that a Beneficiary omitting the Office with the intention of restoring the fruits sins against justice. It does not hinder that a benefice be given for the sake of the Office; for Palaus rightly responds that a benefice is not given by the Church under an obligation of justice, but of religion, since the obligation of the Office does not arise from the benefice, but from the ecclesiastical precept imposed on account of the motive of religion.

But you will say: if no pact intervenes with the Beneficiary, in what way himself will he sin against justice, if he does not restore the fruit, as has been stated above as a certain suppositum? It is replied: He will sin against justice not on the ground of the pact initiated, but on the ground of an unfulfilled condition: for the Church could justly impose a penalty of Office upon Beneficiaries out of a motive of Religion, either under the condition of not deriving fruit if they do not amend, or under a negative penalty of not acquiring fruit if they omit the Office according to what is said in 1.3 n. 665 and Vioa ibid. and Lugo Resp. mor. 1.5 dub. 6 num. 6 pag. 443 n. 462 quod valde probabile putat 1, to. t. 14 qu. 7. Therefore (says Holzmann), beneficiaries who do not recite before the sentence are bound to restore the fruits, because this, although it is a penalty, is nevertheless not a positive or privative penalty, which would deprive them of acquired fruits and to which the sentence requires, but is a negative penalty, namely one that denies the ability to acquire fruits from those who do not recite, as if the Church were to say, I do not grant you the fruits; you have not recited the Office sent; (this is understood however, if the Office is omitted culpably; otherwise, if it is omitted without grave fault, see 3. n. 665.). Concina et communiori.) Unde concluditur respondens ad quaesitum, quod si Sacerdos Beneficiarius omittit Officium nolens fructus restituere, peccat contra Religionem et contra justitiam, cum retineat alienum quod acquirere non poterat omissu Officii: Si vero

omittit volens fructus restituere, tunc peccat tantum contra Religionem, non vero contra justitiam, quia tunc alienum non retinet. It is asked II.

If a Beneficiarius omits the Office unintentionally with an intention to restore the fruits thereof, he sins gravely, provided that otherwise he has an intent to restore them; according to lib. 5, dub. 6, n. 2. Reason, because there is given a double precept, one ancient, by which Beneficiaries are bound to Office; for this was the primary end of the Church in the institution of Benefices, namely, the rendering of service to the Church; and another new one, so that he who omits the Office may restore the fruits. Therefore, a Beneficiarius, even though he restores the fruits, is not released from the obligation of recitation; Wherefore, he who omits the Office during the first six months after reception of the Benefice is not bound to restore the fruits but 10 LIB. IV, ON PARTICULAR PRECEPTS, CHAP. II: assuredly he gravely sins, as St. Pius V declared in the Bull related in lib. 3, n. 663. ARTICLE II. How great is this obligation? 146. What kind of fault is it to omit the Office, or a notable part thereof? — 147.

What is a slight matter in the omission of the Office? — 148. Whether the omission of Hours constitutes one, or several sins? — 149. How many sins does one commit who, having thrown the Office into the sea, becomes powerless to recite it again? — 150. Whether one, doubting whether he has omitted something, is bound to recite it? — 151. When those who omit the Office are bound to restore the fruits [or profits]? — 152.

To whom is the restitution of fruits to be applied? — 153. When may the Beneficiary excuse himself from restitution on the ground of expenses incurred? 146. — « RESP. 1. It is so great that whoever bears this burden sins mortally if he omits even a notable part of the hours. Thus commonly all, against the Angel, v. Hor, et Richard- dum: qui dicunt non esse peccatum mortale nisi quis habeat consuetudinem omittendi: quam sententiam .

The reason is, » because it violates a precept in a matter gravely pertaining to the virtue of religion. « (And this must be held entirely with the common opinion: see Psalm, n. 3.) It is more accurate that this obligation should proceed more from received custom than from positive law. "Thus is resolved this case from these words: 1." It is not a mortal sin to omit one psalm, reading, or something similar, as common opinion holds against Naos., nor the third part of the small Hours, against Axor and Mald., because it is not considered a notable part. But such is said by Palaus in lib. 1, p. 5, to be in Ma- » tutino, which is equivalent to one third part of the small Hours. . t. 1, l.

Chapter 1, canon 18, note 8 says that three readings with responsories in the weekday office constitute a small part. In parvis Horis dicit Fern. Fill. et . See Escob. l. c. c. 13. n. 107. where he teaches that one small Hour is not a notable part with respect to the whole Office, because it is a precept in the manner of one (thing). But this is justifiably rejected by others. » 2.

It is mortal if you omit or leave out even one entire from the Hours, which are seven: Matins with Lauds, Prime, Terce, Sext, None, Vespers, and Compline; or even half of the shorter ones, they teach from Matins. Lessons with responsories, as is moral canon chapter 18 or a part equivalent to an hour of one minimae, as is traditionally understood in book two, title five, chapter twenty-five, and Gavantus; or, as others say, one from question two, part one, text two, rubric twenty-six and forty-one, one hundred and forty-seven — It is asked I. what is the small matter in omitting one of the canonical hours, DUB. II, ART. I. 11 Icii? . pag. 447. n. 4. hold that one commits mortal sin by omitting a half, or, as others say, a third part of an even smallest Hour, because such a part with respect to that Hour is already notable material. But they more probably deny this. Good.

D. 1. q. 5. p. 1. n. 2. p. 645. v. I say. 2. with Garc. . c. Reason, because although that part is notable in respect to the Little Hours, it is nevertheless light in itself and in respect to the whole Office; hence the quantity to be considered in the gravity of the matter of the whole Office should not be the same as for any other part of the Celebration. Omission. Where it is commanded under one precept to recite the Office in these words: 'Those who command,' through obedience, let them devoutly and piously celebrate both the nocturnal and the diurnal Divine Office as much as God has given them zealously. Wherefore. 2. part. 5. num. 1. Good.

Doctor 1, question 5, page 1, number 6. R. 2. p. 154. . 3. p. 73. n. 94. §. 2. n. 11. p. 547. n. 367. . 1. p. 442. n. 455. n. 23. cum . 4. n. 1220. cum . they probably say that it is better to omit the lesser material than the entire small Horam. Thus also Ebel in loco citato and Croix n. 1204. with March. Pell. . Moreover, as rightly stated in n. 22, it is improbable that a small Hour, such as the Third or Sixth, etc., serves as light matter. Ita etiam tenendum est, qui graviter peccat, si omittat unum integrum nocturnum, ut bene censent Wigandt pag. 423. n. 455.

Ebel. pag. 539. n. 39. Croix. l. 4. n. 1202 et Concina. pag. 468. n. 5. cum communi, contra Leandri Concilium. Whoever thinks that it is a grave matter to omit three Lectures with Responses, but probably contradicts

this: 1. n. 7. and tr. 12. R. 41. Understand that if the Lessons with Responses are such that they do not amount to a small Hour.

Whereby they well conclude that in the Lessons with Responses there is material sufficient for a small Hour even if it does not fill an entire Hour; but I do not acquiesce to this, for even the omission of the Small Hour with respect to the whole Sunday Office could be said to have little material, which is least of all acceptable, since the Small Hour itself seems to have absolutely grave matter in the common sense of DD. Neither do they add amiss. 148. — « 3. Whether the omission of Hours (abstracting from the multiplication of acts of will) is one number of sin, as Bonaventure desires, or whether they are many formally, as teaches ., or whether it is one equivalent to many, as Fillastre says. He says: yet it is probable that in Confession the number of omitted Hours should be explained, because it is a circumstance pertaining to the object and constituting an act in its individual reason. Goodness.

l. c. n. g. . Fill. Here therefore is sought I. How many sins does he commit who omits the entire Office? Others say that seven sins are committed; because for each Hour a different precept is present; and they consider this opinion probable, n. 22. But more truly it should be said that one sin is committed.

Thus commonly n. 53. dub. 12. n. 2. . 2. p. 5. n. 1. p. 1. n. 8. q. 5. Reply 3. page 646. no. 18. ebb page 540 number 398. The same is expressly taught by St. Anthony 3, p., tit. 13, c. 4, where he assigns the true reason for this, saying: "He who omits all the Hours of one day does not thereby commit seven mortal sins, but only one, and one much more grievous, in proportion to how much more of the Office he omits; because the whole Office of one day falls under one precept." "However, Eibel rightly observed in the same place that if one were to omit several Hours with morally interrupted intentions, then he would commit more sins." 149. — Quaeritur II.

How many sins will he commit who, having thrown the Office into the sea, is rendered powerless to recite it? This very question depends upon another, namely, whether the voluntary omission itself constitutes a sin. In that question the first opinion denies it and holds it so. 2. c. 3. num. 5. . 1. l. 4. c. 3. qu. 4. p. 4. item. apud. 20. de n. 25. S. Bonac. Coo.

According to this judgment, such a person commits only one sin thereby, namely when he casts aside the Breviary. However, a more accurate sentiment affirms this, and such is held by S. Thom. 1. 2. q. 76. a. 3. ad 3.,

and q. 77. a. 7., and 2. 2. q. 150. a. 4., where he says: "Si autem actus praeceps fuit culpabilis, sic non totaliter aliquis excusat a peccato sequenti, quod scilicet redditur voluntarium ex voluntate praeceps actus, in quantum scilicet aliquis dando operam rei illicitae incidit in sequens peccatum." And following him are Cajetan, ibid., n. 8, l. 9. D. 45. a. n. 27. . 2. D. 1. p. 3. n. 6. et cum Lop. Ratio, quia licet ad omissionem peccaminosam requiratur ut adsit voluntarium, sufficit tamen voluntarium in causa, ut patet ex c. Mulieres, de Sent.

Excom. ubi dicitur quod si quis voluntarie se inebriat praevidens occisurum clericum, incurrit excommunicationem secuta occisione. Therefore that act of killing is truly a sin; otherwise, without an external sin, the slayer could not contract excommunication. Therefore concerning our case it is answered, he who casts aside the Office and commits so many sins, as many as are omissions which he foresees, unless he repents of his first sin, otherwise he remains in a voluntary position in the cause. Thus. l. 7. c. 2. dub. 51. p. 657. et Ebel pag. 556. n. 42. cum communissima. See to be said in book 5, from note 49. 1 8 0. – Question None

III. Whether, if someone doubts, he has at any time sinned in regard to the Office, is he bound to recite it? Resp. Scrupulos are not omissions of meditation to be repeated, which in this case contain many doubts, are not truly doubts, but rather inordinate apprehensions. Regarding whether or not it should be distinguished: Doubt is merely negative, so those who possess certainty in doubt are bound by precept, thus. 2nd part, 6th question, n. 1. 3rd n. 1-2 and similarly generally.

Whether or not a doubt is to be repeated, it has been probablistically said that one is not bound to repeat what is commonly taught. c. l. 7. c. 2. dub. 3 4. n. 3. Tourn. t. 1. num. 6 4 5. et num. 1 2. cum Pel - l i. . item 1. n. 7 6. Item Croizel says: 4. n. 1 2 5 5. cum c., to do evil, he who having a conjecture that he has said something in part, repeats it; and who seeks the way through scruples; and Nao teaches (apud Concin. l. 2, pag. 4 6 3. n. 1 2.), thus saying: "We are not only not permitted to repeat what is probably true, but also it would be evil and wrong to do so." And it is taught as cited with Nao. Major. and Angles, Croizd. n. 1 2 5 5. cum.

Fool. Bon. l. c. cum Ang. quod bene excusaris à repetendo, sinon me ministris dixisse aliquid, et habens justam conjecturam credendique dixeris; putà (ut aiunt Sanchez cum aliscitatis, et 2 9. c. 7. n. 7. cum Nao. Suarez, Bardi, etc., recordaris incæpisse Psalmum, Lectionem, vel Horam; si postea non data operadistractus, vel non interruptus invenias infine Horæ, legendo, vel memoriter recitando eis quibus ordinariè non soles

errare; et hoc locum habebunt Gobat. Etiamsi habeas rationem probabilem missionis, qui praesumptionio, quod solet asperficere quod incæpisti, efficit ut nihil tenearis repetere, nisi si essis moraliter certus quod nondixeris. Whether or not you have said that same hour, they think, n. 7, that if even though you laboriously strive to be pious, you are not bound to repeat it; for then such a doubt is easily presumed to arise from scruples; otherwise, so much the less. Otherwise well said Cætus and Croix. n. 1 2 5 5. cum Na.

A z. . etc. quod si ordinariè non soleas dicere Horam posteriorem nisi ipso post priorem, prudenter potes credere tenendum se omittisse. 1 8 1. — « Resp. 2. So great is this obligation that one must be induced to abstain from the fruits of titution prorata to the omission of the Office, so that if after six months following the acquisition of possession (even if gravely he has sent forth his mind not to attend), culpably having not received the Office, he is bound to restoration. The council is manifest. LateranensisubLeoneX. But it was doubted whether this Council was received, by Pope Pius V.

The Bull made it clear, which question was discussed by Naor. c. 25. whereby this decree is confirmed and declared so that whatever of the entire Office omi - 14 lines. IV, ON THE PARTICULAR PRECEPTS, CHAP. H. » Heeds, let it be held that restitution be made of all the fruits corresponding to that day; for example, he who receives annually three hundred and sixty-five florins, let one florin be restored for each day; but if anyone has omitted Matutinum only, let half the fruits of a single day be restored; he who has neglected any other hour, even half the fruits of a single day: whereas as regards one of those hours, namely the sixth part, restitution is to be made either in the fabric or to the poor. » Bonac. d. 1. q. 5. p. 2. etc. contra de la Crux, et Lopez, apud l. 12. Res. 34. Qui dicunt: si Beneficiatus intra annum per 8 vel 10 dies tantùm omittat, non teneri ad restitutionem, eo quòd sit servus libera lissimi Domini, qui multò minùs quàm Domini temporales, ad pauca attendat. » (See the aforementioned lawbook, chapter 3.

n. 663.) 1. Clerics of Major Orders, who are bound to Hours by reason of their title alone and any other title than that of Benefice, are not obliged to said restitution because they do not receive any fruits on account of the burden of reciting [the Hours]. Nor are they obligated who from natural forgetfulness, just impediment, good faith, invincible ignorance, or otherwise without fault have omitted. The reason is, because in conscience there should be no penalty where there is no guilt. See l. 3. n. 665.) « 3. It is very probable that those who have other burdens besides prayers, for example, pastors, bishops, etc., being unable to retain the greater part of

the fruits of this day on account of the said burdens, may suffice by giving a third or a fourth part of the fruits: because they are obliged only to restore the fruits corresponding to the burden of divine Office.

Nao. tom. 12. Res. 8. citing many others. It holds likewise probably Croix l. 4. n. 1214. cum . See what is said in l. 3. n. 673. » « 4. If such a Pastor have slender means for sustenance, it seems that he is bound to nothing, since sustenance is due him on account of other burdens. . 4. tr. 2. cap. 5.

But in the second treatise, book twelve, tenth tractate, chapter two, question three, they say that he who has a very meager Beneficium, for example, one whose income does not suffice even for a moderate sustenance, if he neglect certain hours, is not to be held responsible for restitution. » (And it is probable with. Push. Red. . 3. n. 774.) » 182. — « 5. Esta restitución puede realizarse o bien a pobres amigos, o bien a otros, o incluso al propio beneficiario mismo, si este es pobre.

Item it can be imposed upon the construction of a house, or upon improved fields of the Benefice; because under the name of fabrica are also understood houses according to l. 3. n. 672.) » Denique sometimes it can be compensated by offering suffrages for the dead, and other prayers, as is seen. Good [author] in the cited work on page 4. » (The same is said. 16. c. 2. n. 60. But see what is said in book 3, nos. 667 and 672, where we do not acquiesce to this; and thus also by another, or through the Office, or prayers from another recited for your intention, and applied to those departed at your request, it sufficiently satisfies, teaches section 6. Not continuously condemned is he who, accustomed to recite ordinarily, has omitted once, for example, or twice in a year, even though he does not restore anything, teach the Sot.

Med. » n. 316. and 317. 6 (But this does not seem to be able to be sustained, so that it may be said justly: c. a. n. 55. when S. Pius in his Bull says: Ut qui omnes Horas uno, vel pluribus diebus intermiserit.) 6 sive erogare in usus pios, impendit, in alios, quam vel in pauperes, vel fabricam Beneficii, non satisfacit (according to the common law, where the Lateran Council or the Bull of Pius Quinti is received) obligationi suae; nisi aliud ferat consuetudo, vel statutum alicubi receptum; quia disertè præcipitur restitui pauperibus, vel fabricæ 2. p. 2. and 4. 6 » 183. — « 7. It is possible that a Beneficiatum might be excused from restitution on account of neglected Hours, under the title of expenses; understand this after the omission of the Hours (For if before the omission, it were not excused, since Proposition 33 has been condemned by . saying: Restitution of fruits due to the omission of Hours can be made up through any almsgiving which the Beneficiary had previously done with the fruits of his own

Benefice); although from this point of view, it is considered probable by R. 57 ex 3 s. 3 t. 2 c. 12 n. 9 that some Authors hold such a view; and also because it seems to be the virtual intention of all those giving alms to satisfy through them all obligations contracted by their own sins; and further, because ecclesiastical laws should be explained benignly. (And it is probable according to the opinion held by . l. 2 c. 3 dub. 121.) Lugo D. 4. n. 46. . 2. tr. 2. c. 12. n. 9. n. 63. cum Pelliz. et Croix l. 4. n. 1215. cum Saur. Gob. et aliis.

See what is said [in] l. 3. n. 700. v. de Salas. de leg. d. 15. sess. 2. n. 27. Vasq.: Si canonicus grossam seu corpus sui canonica- tùs verè et absolutè lucretur priusquam omittat officium non teniendi ad restitutionem propter omissionem sequentem quòd poena non sit ut fructus jam suos factos restituat sed ut fructus non faciat suos. Thus he at page 12. R. 8. that » as stated below in article 4. section 6. at the end. » 8.

Where the Bull of Pius V is not received, it may seem probable that the beneficiary is not obligated to return the benefit for the said restitution, as Sylo says. Clericus. » ## ARTICLE III. ## What excuse them from the recitation of Hours? 184. How does Infirmity excuse? Not.

I. A grave excuse? Not. II. An excuse for a convalescence?

Not. III. What in a doubt or weakness is sufficient to excuse? Not. IV.

What if you doubt whether to recite a portion or not? — 188. May those who labor be excused on account of a tertian or quartan fever? — 188. How excuses a just impediment? And is it on this account that the Conciomatores, Confessarii, and those performing necessary things in choir are excused? (See on this n. 143, v. Note. 3.) — 187.

How does one excuse the blindness and deficiency of the Breviary? — 188. Whether one who is unable to recite the entire Office is bound to the part? What, if you do not have your own Office? Would one be bound to recite with a partner if unable to do so alone? Would a Beneficiary be obligated to lead a companion in recitation if he cannot recite alone? — 189.

How the Dispensation Excuses. 184. — "Resp. — These following, I." Severe infirmity, for example. » notable headache, such that it cannot be read without discomfort or worsening of the disease: I said, grave, because light, for example, a notable pain in the head or chest, or even sometimes tertian or quartan fever does not excuse, when it afflicts the entire day. » » (Or in a greater part of the day, as Sanchez, de Hor. num. 35.) Ita 1. q. 6. »

But totally excused, one is not bound to listen to another reading, nor to substitute for another. » (Nor other prayers; it is common among . n. 33.) », as Fill has it. » and Sa, v. Hores. If, however, it is easy and customary to read with a "socio," he is bound to do so, as stated in t. 12.

R. 43. It is more truly to be held with chapter 150. verse. Moreover.] » There are also many things to be noted necessary for understanding. It must be noted that on account of weakness the Office may be excused not only those who labor grievously by sickness, but also those who cannot recite it except with great discomfort, or with a probable risk of such discomfort. Whereby they are sufficiently excused who prudently believe or fear that on account of the recitation of the Office to them a notable headache, or stomach crueteness, or weariness of the powers may perhaps be brought about; or if they believe that fever ought tardily to be remitted.

Thus dub. 45. n. 4. . 1. page 450. n. 477. Anacl. de Conc. tom. 2. p. 507. n. 23. et n. 35. cum q1. ubi dicitur quod excusat ab Officio inaequalitas corporis quod non significat morbum gravem ut bene advertit Croixl. 4. n. 1124. And this is probably admitted, even though the sick person might have read a book for some part of the day to comfort his mind, as it is said in chapter 4. number 477. Ebel pag. 564. n. 462. et . c. in fine cum Notandum II. non solùm actu ægrotantes, sed etiam convalescentes ex gravi morbo excusari ab Officio per aliquot dies ad arbitrium prudentis, donec vires reficiantur. Thus commonly page 654. q. 1.

Conc. page 497. note 5. Ebel page 564. note 461. and others AA. as cited above. And this must be admitted, even if they celebrated Mass, as stated in no. 35 along with others. III. Notandum quod in dubio an infirmitas sufficiat vel ne ad excusandum potest se committere judicio Medici; ex c. Fraternitatis de Frig. et mal. aut judicio Superioris acquiescere qui in talis dubio etiam dispensare potest; vel denique potest se remittere judicio probabili viri prudentis. Thus Sotus, Sylvest.

Sanchez, c. 3. n. 36. And it can also stand by its own judgment, if such a judgment itself can be prudently borne in such a way that it is probably said, But what if, even after these preliminaries, the doubt still persists? If the doubt is that recitation seriously harms, then certainly it is not bound to do so; rather, it cannot recite, because the precept of the Church to preserve health according to nature should be preferred, as Vioa says in 1. a. 6. n. 3 and n. 36 with others; unless one does this out of love for virtue, exposed to the danger of death, according to what is said in 1. 3. n. 371

with Lugo, etc. But if the doubt only concerns whether indisposition reaches the point of excusing, as above: then when the law of recitation possesses and there is a doubt about exemption, certainly the law must be fulfilled. This nevertheless runs thus: when it is a pure doubt; but if there be a probable judgment, then certainly not bound to anything, as they teach in 4th part, 5th question, chapter 6, number 2, dubium 47, number 4, with Nain. 54. Innoc.

IX. n. 16. qu. 2. item . For it is reasonable that this one be excused from the entire Office, so as not to be excessively troubled by scruples, not knowing when he can and must recite it; for such anxiety would bring him great inconvenience; especially if he believed from the recitation of it a probable cause of head gravity, weariness of strength, or slower remission of fever. 158. — It is asked here whether those laboring from tertian or quartan fever are excused from the Office? Absolutely excused is Leander; but truly it is said by Sporer t. 3, pag. 84, n. 195, et pag. 496, n. 2, et 4, cum; for when an infirm person could recite without great inconvenience on days when he is exempt from illness, there does not appear a reason why he should be excused. Whether such an ill person is bound to anticipate or postpone the Hours? Canus denies it in dub. 31, and Henry and others at q. 4, and they consider it probable . 55 n. 6 n. 43 et Vioa q. 3 art. 6 n. 4.

The reason is, firstly because each Hour corresponds to its own time outside of which there is no obligation; secondly because anticipation or postponement is a privilege of favor, by which no one is bound. But they more rightly affirm, Concilium, page 502, note 10. Tournely pag. 665. c. Croix l. 4. n. 1226. 157 q. 3 v. Moreover, and n. 50. with . . and Pell. Reason, because the Office is commanded to be recited within the breadth of the whole day; hence, when the command already presses, the sick person is bound to fulfill it at the time when he can: it is fitting if on a feast day he cannot do so around midday before Mass.

IV, ON PARTICULAR PRECEPTS, CHAP. II: to anticipate and direct the tender ones rightly, as Concina says, for truly Busemba assigns the rule in Leg. dub. 2. n. 6. p. 65: that when one is hindered by force from fulfilling the precept, it is incumbent upon him to prevent this. Hereby justly they term lenient the contrary opinion. The corruption is very probable when . 451. n. 478. vers. It is confirmed, Sporer tom. 3. pag. 86. n. 172. et . 457. n. 444., that he who cannot recite Matins on the following day is not bound to anticipate them in the preceding one; for then there would be an obligation to anticipate the Office when the obligation of the precept has already been commenced: but what was laid down to be said on the preceding day, is not from a precept, but from a privilege introduced by

custom, whereby no one is bound to use it. 150. — « 2. Justum impedimentum, v.g., metus proditionis inter haeresios.

Item grave, vel repentina occupatio, vel opera charitatis majoris momenti quàm Horæ quæ sine scandalo vel gravi incommodo tuo vel alterius omitti non possint. In qua modis, licet Concionatores vel Confessores aliquando excusari possint, hoc tamen ex benigna intentione Ecclesiae, ut docet Sylv. If you fear that you will be occupied with confessions all day tomorrow, which cannot be deferred. Ita ex principium paginis secundae numerus unus. » and 2. etc. commonly.

They are excused by Horius, who are occupied the whole day in the offices of religion or charity, which without scandal or great detriment to their own or another's can neither be omitted; thus most commonly n. 37. q. 3. 2. p. 557. n. 444. Wiganlt page 432 note 96 page 450 note 477 and Sporer volume 3 page 85 note 161 with Sylvestinus book 4 treatise 1 chapter 6 note 1 section 3 article 6 and Wiganlt same place likewise are excused the confessors who throughout the day receive confessions which they cannot defer as Concina tome 2 page 500 note 5 . ll. cc. Likewise those who are occupied in soothing quarrels or attending to the sick, . 52. . question 2. Item qui ex officio attendere debent publicis thesibus, n. 2. cum d. dub. 52. On this very matter, attention should be drawn to Proposition 21, condemned by Alexander. VII. quae dicebat: "Habens" Capellaniam collativam, vel quodvis aliud Beneficium ecclesiasticum, si studio litterarum vacet, satisfacit sue obligationi si Officium per alium recit.

But well they advert to num. 1. cc., that if all these can without great difficulty anticipate or postpone the recitation, thereto they are bound accordingly, whence P. Wigan conclusively argues that it rarely happens that such Office could be omitted without fault. From this head some also say and maintain that one is not bound to repeat what was neglected (neither by reparation, nor by hearing), while engaged in offering incense at the Magnificat or Benedictus, or in carrying the necessary books, or in foreseeing the soon-to-be-sung canticle of reading, or in other necessities of the choir, occupied as he is; because the whole choir seems to supply for him who is engaged in matters pertaining to the celebration of the Office, and not only to recite or chant on his own name, but also on behalf of all the ministers. Thus in the third book, chapter one, note seven. Henry. Syllable. Nald. t. 12.

Reply 3. Likewise concerning him who responds to the Chorus, the organized alternation of verses: they say at c. namely, that he is not obligated to utter it with his voice; but E. 6 denies this. V. . 15. (See the aforementioned discussion on this matter at note 145. vers. To be noted

3.) 157. — « 3. Blindness, n. 4., generally. « 4.

The deficiency of the Breviary is blamed. If nevertheless you are able to recite memorially either the entire Office or one Hour, while you are still young. If however you know only the Psalms, or the Lessons or Chapters, says tr. 23, c. 9, n. 287. Nao. et Suarez, item Escob. E. 6. ar. 149. it is probable but not to be held: because Psalms, as such, are not Canonical Hours, to which there is a binding obligation, according to t. 1. part. 2. c. 1. n. 221.

Mald. in 2. 2. t. 10. c. 2. d. 5. et 15. n. 1. cited by . The same [authority] grants [or allows] the Matutino of a feast day that is either double or semi-double. V. n. 6. . 2. tr. 12. R. 30. and 43. But I dare not approve this; rather, what Bonac. teaches in part 2, question 1, article 6, impedimentum is to be held from some of the aforementioned causes, if it can be said to hold a notable part, otherwise to nothing.

Finally, if anyone were to lack the Breviary with which he is accustomed to use, for instance, Romanus tenetur legere aliud, quod habere potest, quia per utrumquem impletur substantia præcepti. Creus. t. 9. R. 25. 188. — Hence first should be noted Proposition 54. condemned by Innocent.

XI. quae dicebat: Qui non potest recitare Matutinum et Laudes, et tamen potest reliquas Horas, ad nihil tenetur, quia major pars trahit ad se minoris. Hence it is certain that he who lacks a Breviary and knows nothing by heart except Laudes or Completorium is gravely bound to recite this, as commonly taught on page 87, n. 177, n. 11 with Nao. 431, n. 90, and Croix. l. 4, n. 1280 with 494, n. 6. They say, however, in Palau d. 6. num. 7. with Torre, and Sanctio, etc., according to Sporer. loc. cit., that if you have the Psalms but not the Matins readings, you are under no obligation to recite anything, because then it is said according to the prescription of St. Pius V. Busemb. ut supra, id non approbat; et Sporer d. n. 177 ait, omnino sententiam contrariam, quam tenent Croix n. 1220 et Bon., in praxi amplectendam esse. Gob. ac Leand. according to Sporer himself.

Reason, because although you are able to recite a notable part of the Office, it is not for this reason that you should be excused. Wherefore Bus. with you. Bon. n. 459. cum iits. et Croix l. c. cum . rectè hanc regulam assignant, quod si potest recitare quantum est parva Hora, teneris sub gravi eam dicere; sin vero minus, ne sub veniali quidem aliquid recitare obligaris, quia talis modica pars, seorsim sumpta, non censetur aestimabilis ad finem à lege intentum. Furthermore, if you have the

Common Office and not its own Proper for that day, you should recite from the Common Hours, as truly feels Croix l. 4. n. 1221. with Sporer and Gob. against some others. They hold the same, n. 3 and Wigandt p. 430, num. 88: if you lack the Roman Breviary and have another one, such as Benedictine or similar, you should recite from that one.

Reason, because there are two precepts of the Office, one universal concerning the recitation of Hours, and another regarding the observance of the formula of any particular day; hence, if one cannot observe the one, one should turn to the other. However, this is contradicted by n. 28, which says that one should not follow it, because (as they say) the precept of the Office is indivisible, namely that of reciting and reciting under one formula; and they infer this from the words of the Bull of Saint Pius V, where it is said that only this single form can suffice. Nevertheless, this opinion nevertheless seems to me more pious and reasonable to follow. It is certain that a Religious made Bishop can properly use the Breviary of his Diocese, Concina page 392, n. 9. Moreover, he who is not able to recite alone is bound to employ a gratuitous associate if he can do so without much difficulty, as they truly consider in case 48, question 4, number 478.

Sporer n. 181. Cross l. 4. n. 1231. with Bonac. and 44. Concina t. 2. p. 493. n. 5. cum Nao. . . . 3. n. 42. et n. 8. cum . . Whether therefore a Beneficiary is bound to contribute his share from the fruits of the Benefice? Affirmant Bonac. D. 1. q. 6. 2. n. 7. cum . p. 655. n. 478.

Palaus p. 6. n. 14 et consenit Sporer t. 3. p. 88. n. 183, si sit pingue beneficium. Reason, because the fruits of the Benefit are given on account of the Office; hence, the Beneficiary ought to expend those (fruits) in order that the Office be discharged. But Gobat contradicts them in 3rd number, article 665, with Sylvester's verses. Question. I., fruit of Beneficium, DEHORISCANONICIS, DUB.

I I, ART. I V., promerces de rectiationis fiunt, sed pro sustentatione beneficiarii. Wherefore, since they are not content with the Office being solved by an extraordinary remedy, which would be akin to the conduct of a partner, all the more so, as the Lateran Council (as stated in op. cit., p. 3, n. 65) absolutely excuses bonae Officii legitime impeditos. Both opinions are probable; hence I say that such a Beneficiarius omitted the Office which he should have performed with the assistance of his colleague, and in good faith received the fruits thereof, can retain them, because it is more advantageous for the possessor to keep them. Otherwise, if he has not yet perceived it, but is defeated by the lack of probability of this second opinion—or rather to perceive: since one cannot possess the good of anyone's office without some certitude of right, as we have often said. It

appears. 3. n. 6 6 9. e t 7 6 1. v.

What? I I. Therefore, since if here it is to perceive the fruit, one is bound to have recourse to the associate. 1 8 9. — « 5. Dispensation, quae sine causis solo Papa dat va - » lide, cum causa Episcopi. Even so, under the dispensation of the Pontifical subdeacon is led to the altar; this itself is for the sake of liberating a rare boon, against Bon. et. dematr. l. 8.

The Pope is empowered to dispense in Office, even with a Beneficiary, so that it may be done rightly and according to the Cross, l. 4, n. 1 2 3 3; as it has been commonly asserted. Nam probabilius est ut diximus supradictum, hoc onus officii non de jure naturali sed de præcepto Ecclesiæ cadat; et idem Papa habet potestatem dispensandi sine causa validi. The bishop, however, cannot dispense either for a particular cause or even for a brief time, as Wigand says, chapter 4, paragraph 3, number 9. hoc. p. 4 5 1. n. 4 7 7. Concilium p. 3 6 8. n. 6. et Croix ibid., cuicum.

The cause for dispensation must be considered, so that there may not be doubt regarding the moral inability of the Cleric, according to Croix l.c. ex D. Thom. 2. 2. 9. 1 4 7. art. 4. Gobatus autem apud Croix dicit idem posse Vicarium Generalis; sed hoc intelligendum, si habeat specialis mandatum a Episcopo, juxta dictum 3. n. 1032. ## ARTICULUS IV. ## Quomodo recitandæ sint Horæ? 160. It is required I. That they be recited according to the prescribed Breviary; — 1 6 1.

Qu. I. Is there a more binding obligation to recite litanies? Who is more bound to recite the Litanies? I I.

A Rite for the Dead? Qu. III. Does the Office allow for a shorter duration through mutation? Qu.

IV. Have you been constituted in conformity with the privilege of the privileged cleric? U. V. Is there an error in the Office that it be omitted with contempt? — 162.

It is required II. Vocal declaration. — 1 6 3. Qu. I. Is the law satisfied by repentance, and does sin receive a name and be abhorred?

An autem satisfactiatis submissus recitans in Choro? (Remis - sic ad l. 3. n. 6 7 5. v. Dub. 4.) Q u. I I. Ansir cites the Office in answer to satisfy the deaf, or to satisfy the dead who do not perceive what is repeated? He asks.

III. Deaf and unsatisfied in praise, while reciting praises in chorus? — 164.

It is demanded III. Pronuntiatio integra. — 1 6 5. How does a mutifan commit sin with mute words?

What, sire, when a companion is mutilated? — 1 6 6. Requi - ritur IV. Continuous pronouncement. — 1 6 7. Whether the Matin can have the Prairia with Lauds? Then they are obliged to terminate both the Hours and the Matins with the Pater and the Prayer of the current Office?

And can nocturnae and matutina be separated from each other? — 168. Whether the Hour is to be repeated if a great interruption intervenes? What are the just causes for interruption? — 169. It is required V. That the order not be inverted. — 170.

Causes of inverting the order. — 171. Is there a grave obligation in the choir to recite Hours in the proper order and at the stated hours? — 172. It is required that the Hour be said at its proper time. — 173. What are the just causes for anticipating or postponing? At what time should the Hour be said? — 174.

Which. In. When can the Matins be said? Qu. II.

Can the Matins of the Dead be recited on the preceding day? What. III. Was recited the Litany during the preceding day in the Vap era? — 175. It is required VII.

That the Hours may be recited attentively and devoutly. What intention is required? And what kind of attention? And I [treat] of external attention. Whether one who sleeps during the Office, or recites it while others are chatting, or in the marketplace, etc., has sufficiently fulfilled [his obligation]?

II. de attentione interna. — 177. Is internal attention necessary to satisfy? And whether a beneficiary reciting without internal attention is bound to restitution? Released at will 3. a. 66g. Rule for casting off scruples. — 178.

And how does one sin while reciting the Office being in a state of mortal sin? — 179. Is it permissible to recite the Office in an inappropriate place? Is it permissible for a site outside the choir to be designated for recitation according to precept? 160. — « Resp. In recitatione Horarum sequentes circumstantiae sunt servandae: I. ut recitentur juxta praescriptiones Breciarii Romani, jussu Pii V. editae, saltem publici. Receive those who are devout and have a particular breviary of their order, and churches which were established 200 years before the institution of the breviary by Pius V.

They have been accustomed to use it: for without the consent of the Bishops they cannot change that. However, privately it is probable that even all the Rules are permitted to use the Roman Hours according to custom, as it teaches d. 12. Bon. d. 1. q. 3. p. 1. » Add that he who uses it is not even bound in the choir to say penitential Psalms, gradual Psalms, or the Office for the Dead, except on the day of Souls. Office however B. V. In the choir it should be recited where there is a custom.

Tanto et Clemente. VIII. Moreover, it is held concerning the Litanies on Rogation days: both because they are part of the Office on that day; and because there is a special constitution regarding this matter. Thus Bon. loc. cit. from 13. R. 43, ex Vasq.

Item Escob. 1. 5. E. 6. If, however, through inadvertence or necessity, for example, because you have no readings from a feast day, you change the Office so that when it should be said about a Saint, or against it, there will be no sin, nor an obligation to repeat it, although it is advisable to consult what pertains to the proper Office; but if you do this with care, another thing seems to be intended, since the reason is not the same. » Although in that case you would sin venially only and would not be bound to repeat or restore anything, since the substance of the precept is fulfilled, Escob considers it probable, t. 5. E. 6. c. 5.

» 1. 12. Reply 3. article Caj. Syll. Binsfeld » 1. q. 1. p. 1. n. 17. et . c. contra » many others whom he cites and follows; but in L. 4, l. 1 - cap. 4, n. 4, when . g. paschale is changed (although Caram. apud t. 11. R. 6. contra communem sentiat, etiam sic praeceptum impleri, et venialiter tantum peccari); aut idem pro libito toto anno dicatur; quia est gravis inordinatio.

See 14. n. 11., where he teaches that him who through error reads today of the Saint who is celebrated tomorrow, it is possible to read tomorrow of the Saint who is celebrated today, so that this may not be omitted in this year; rather, he wishes this to be done individually for each 10. The true contrary holds: to err; and this is much confirmed by C. Lugo, Resp., lib. 5, de cap. 8. Likewise, he teaches that one who through error or forgetfulness did not recite from his own part in the double or semi-double feast day may be able to read about it on the first day unimpeded by the office of readings; Quintana himself deems it probable. Indeed, and this he rightly rejects, C. Lugo, in the same place, and himself recognizes the contrary opinion as more probable. Finally, he who has erred in some Hours, for example, by reading de feria when it was a festal day or otherwise,

recognizing the error, should not continue in such an error but, according to the Office of that day, read the remaining Hours, so as at least to conform himself with the whole Church or community of which he is part, and observe the law as much as possible.

C. Lugo l. c. " 161. — Quæritur hic I. Whether there is an obligation to recite the litanies on the days of Saint Mark and Rogation? The first opinion more commonly affirmed this, and the Glossa maintains this in c. 3 de c. 2 p. 2 n. 13 p. 1 n. 13. Tournely t. 1. pag. 631. pag. 387. n. 23. . 1. art. 2. n. 2. pag. 74. n. 95. Croix l. 4. n. 1200. p. 301. n. 475. et n. 23. cum 2.

On the fifth day after Pascha it is thus said: "Whoever does not interrupt the processions of the Litanies, let them say them privately after Matins, with their prayers and orations." The word itself imports a grave precept when the matter is grave (which without doubt is the case with the matter of the Litanies), as teaches 6. c. 4. art. 24. That is confirmed by the Declaration. S. C. (apud Gavant. Rubr. c. 16.) as was said, those who were present at the procession but did not cry out, to be held to repeat the Litanies privately or to say them.

The second opinion denies what Diana holds in篇acerbic Graf. et Homob. item Machab., Felix l.c., qui probabilem putant, congruent censet etiam Mazzotti l.c. Ratio historum, quia nullibi adest de hoc praeceptum praecisum obligans sub gravi. They do not say that it impedes the rubric taken from there, for they claim that the word "dicunt" does not contain a precept, as Cajetan holds in 2. 2. q. 166. art. 9. in Solut. ad 2. where he says: "As for the manner of speaking, you see, because the law uses an imperative mode, which does not impose a bond of precept; for such a kind of command is grammatically denoted, not juridically." They either think at least that it does not introduce the precept 24 LIB. IV, ON PARTICULAR PRECEPTS, CHAPTER II. grave, ut docet 49. dicens: « Leges autem Canonicae, quae non habent præceptiva vel prohibitiva, sed solum ordinativa, vel constitutiva, etiamsi sint imperativi modi qualia sunt illa faciant, dicant etc., quae secundum communem intellectum non significant præceptum. »

And this seems to be according to the doctrine of St. Thomas, who in II, 2, q. 86, a. 9, ad 2, says: "Neither do all ordinations in the law of the Church obligate to mortal sin." And the same is said by S. v. Law, n. 6. and Sayr. l. 3. c. 7. n. 16. Therefore, I dare not call this secondary opinion improbable; but the primary one more readily presents itself to me, because (as Tourn. assert in loc. and n. 36) everywhere there prevails the custom of reciting litanies, which is the best interpreter of laws. Seek.

II. Is there a grave obligation to recite the Office for the Dead? Some deny it, whose opinion they consider probable, Mazzot. f. 1. p. 301. and Gob. ac. . Croix l. 4. n. 1289. But it is more true to affirm with the common opinion than with those who hold n. 14. c. n. 23. Violates q. 3, art. 2, n. 95, n. 475, with Anocl. c. 1, n. 22, with Anton. a Spir S., et Pelliz., qui ait oppositam opinionem non esse probabilem, at Croix l.c. cum .

Reason, because this obligation having been introduced through custom, which, since it is universally and constantly observed with great inconvenience, ought not to be departed from according to what has been said in lib. 3, n. 1009. v. Dub. III. And for this reason, tr. 4. R. 243. Although he had endeavored to defend an opposite opinion, at last he said that he did not dare to depart from the common opinion.

Inquire. III. Is it a mortal sin to change one's daily office to a shorter one? Above all, it should be noted that Proposition 36 was condemned by . who said: "On Palm Sunday, by reciting the Paschal Office, one satisfies the precept." "And thus likewise is excluded the Office of Pentecost, as well they say in no. 19 and others commonly."

On the contrary, he who by inadvertence says one Office instead of another is not reproached for repeating it, as commonly taught in 2. c. 37, n. 77. Anacl at page 190, number 62. Violate art. 2. n. 6. Continuator Tourn. p. 629. q. 4. 481. n. 13. . 4. tr. 1. c. 5. n. 5. cum Sylo. Cajet. Abelly Append. pag. 456. n. 2.

Croix l. 4. n. 1351. et n. 21. cum VIII. He says, however, number 5, that the counsel (not indeed the obligation) is appended to the omissions of one’s own Office. But Tourn. reasoned rightly in the same place, citing the same authority. Regarding however the sought-after [matter], there are four opinions: The first absolutely negates that a mortal sin exists, and this is held by Lessius in book 2, chapter 73, note 77. Caesarius v.

Hours, c. 2. Sylvest. in the same place n. 15 l. 20 c. 10 q. 2; also item VIII. Saints, etc., according to number 18. Reason, because to fulfill the precept of the Office suffices if it is fulfilled in substance, and this occurs when the seven Hours are said. And they consider this judgment probable and [it is] stated in number four, note one thousand two hundred fifty.

And to this I once adhered; but now I consider it more truly that it cannot be sustained according to question 6, because when the Office is recited notably briefly, neither is it fulfilled nor does it correspond in form or in

equivalent substance according to the second opinion, which we shall soon present. Therefore, the second opinion, which they defend in I. q. 1. c. 5. n. 4 et 5 (whom they cite incorrectly 61 and consider probable 2. p. 2. n. 17. and v. But you will say that those do not sin gravely who change the office into one that is equal or nearly equal. Reason, because, as it is said in l. End.

Commandment: The very formation is delayed if it be effected through an equivalent. Hence they say, the aforementioned authors stating that the Pontiff in assigning a specific form for the recitation of the Breviary more closely regarded the quantity as a substantial form than the quality of the Office, which is an accidental form, or manner of recitation. It is said that one does not commit a grave sin; for changing the Office without cause, even to an equal degree, cannot be excused as a venial sin. The cause for excusing may be, for instance, necessity to study, preach, teach, or travel, as stated in Article 3, Number 4, and in Canon 1252, Paragraph 4. The third opinion, which Palae holds, is found in D. 2, p. 2, n. 18, page 480, n. 11.

Tournely, p. 629, n. 466, n. 20, cum Reg. Fill. Pius V in sua Bulla A nobis præcipit Officium recitandum in specie et in individuo sub forma unicuique diei assignata, cùm dixit: « Hoc nostrum Bre- viarium præcipimus observare quoscunque, qui Horas Canonicas dicere debent, dicendum ex hujus Romani Breviarii præscripto et ratione omnino teneri, neminemque nisi hac sola forma satisfacere. » Wherefore the Authors of this Sentence say, that the Precept of the Office is not concerning the recitation in general, but according to the prescribed form, namely on such a day, for such a Saint, on such a Sunday, etc., which pertains to the substance thereof. Fourth opinion, which Sporer holds on page 78, note 624, question 6, article 1, section 2, number 4, and probable they consider it note 433, section 2, number 20; teaches that he gravely sins who frequently changes the Office; but who changes rarely—only three or four times a year—if the change is not made notably more briefly and without cause; for from some reasonable cause, namely study, journey, weak health, great fatigue, or special devotion toward some saint, it will even not be venial. Cross. l. 4. n. 1251. The reason why a frequent change in the Office is considered mortal, some say to be because such a change seems to involve a virtual contempt for the rites of the Office.

But this reason does not convict; for it is rather denied according to D. Thomae 2-2 q. 186 art. q. n. 3 (whom follow 1 c. 5 n. 8 and others), that the frequency of transgressions involves a contempt of the law: thus says the Holy Doctor: "It must be said, that one then transgresses out of contempt when his will has refused to submit to the ordination of the law

or rule; and from this proceeds to do something contrary to the law. But when on the other hand it is due to some particular cause, such as concupiscence or anger, which induces someone to do something contrary to the statutes of the law, he does not sin out of contempt, even though frequently he commits a similar sin." The reason is, because itself the frequent change of the Office (as Laymann says) would bring about a serious perversion of order; for although any variation taken separately is venial on account of the matter's paucity, yet all nevertheless coalesce within a year and gravely disturb the order of the Breviary precept for the whole year's Office, which together taken make one complex. From these opinions (as I shall present my judgment), the first is scarcely (as I said) capable of being sustained; the second and third seem sufficiently probable, but I consider the fourth to be more equitable. According to all the aforementioned opinions, the following causes probably excuse the change in the Office: namely, I. If you go otherwise, it can recite the Office of that place, as they say. 4. tr. 1. c. 5. n. 3. n. 66. v.

We have said, when among the Crosses, book 4, number 1253. But it is objected by Gobat that if you are somewhere as an alien, he can recite your native land's offices. Gobat adds ibid., that is, if you change your domicile, it can compensate for the Offices omitted in the previous place. II. The chaplain of the bishop may conform himself to it in the Office, that is, according to the common decree of the Council.

S. C. Rituum ann. 1605. That is further confirmed by Clement. Worthy, from Heaven. Missed is granted to Commensals and Domestic servants of Cardinals, and Bishops, that they may use the Office and Breviary with which these [Cardinals and Bishops] make use. The same is said of the Chaplain of Nuns, who, when he is able to celebrate Mass according to the Order, can also say Office thereof; for the rubric warns that Office should be celebrated in accordance with the Mass, c. and Croix num. 1254. cum Gob.

Stoz. The same probably says concerning him who performs exercises among Religious. III. A beneficed person can recite under the rite of the first class with the Octave Office of his Title, as Lugum responds. Moral. l. 5. Dub. 8. n. 10. et . c. cum . 10.

IV. If one recites with a companion whose stream you can conform to according to some, but also without cause, according to Vioa q. 3. art. 2. n. 8. cum Quintanad. et qu. 5. pag. 155. cum tr. 12. Reply to Article 35. And this seems to me sufficiently probable, provided that the Office is permuted into an equivalent or quasi-equivalent; for according to the second opinion concerning the permutation of the Office, which we above

deemed probable, any reasonable cause suffices to change the Office into an equivalent one; and a sufficiently reasonable cause appears in this very society, since Clement of Rome, in book 4 (according to §1. n. 7), admonishes the faithful that they should at least pray three times, according to that saying from Matthew, 18. Where... are two or three gathered together in my name, there am I in the midst of them.

It is asked IV. Canst thou be conformed with the Privileged Cleric in a shorter Office? Absolutely denied by P. number 12. They affirm, however, without any cause present, Roncaglia loc. cit. Stoz. apud them. We have said, Diana, p. 2, tract. 12.

R. 35. when Portell. with Henry and others; likewise according to which privilege one is extended to another, from the law on Accents. Furthermore, since each one lawfully may employ a partner in the Office, if he could not recite that Office more briefly with a partner, it would seem that some derogation is made to his right by the privilege. Others however say, as Croix n. 1256. Holzrn. l. cit Sporer p. 79. n. 123. et Gob. de tunc posse socium conformari cum privilegiato saltem semel vel iterum, quando iste ob aliquam rationabilem causam, puta infirmitatem, debilitatem visis, et similem, difficulter posset suo privilegio uti, nisi juvetur a socio. However, none of these opinions satisfy me; for the reason given above regarding correlatives does not convince, even though it holds true for necessary correlatives such as men and wives, but not for voluntary correlatives, namely for associates, who can extricate themselves from their association according to their own will.

The reason alone of infirmity, or difficulty, does not seem sufficient for excusing associates to permutate in office with something briefly notable otherwise. It is asked V. Whether he who today has recited from error about the Saint, omitting his own day's proper Office, can on another day recite the Office that was omitted? They say Pell. tr. 5. c. 8. n. 74. Quintanad. v.

Singular. 9. n. 3. et n. 21. facere se melius conformando cum communi ritu Ecclesiae, sed probabiliter posse etiam recitare de Officio omisso. However, Lugo Responsum, moral., l. 5., dub. 8., n. 2., et tract. 22., n. 3., cum Busembach ut supra tenent omnino recitandum Officium diei currentis. Reason, because the Church permits the Office to be transferred only when it is hindered by the Sunday or a greater Office. This indeed is a more probable opinion; yet the first does not seem entirely improbable according to Felice Potestas, lib. 53, num. 48, et §. 2, num. 29. Reason, because, congruentely it is transferred ritually the Office from Saint on account of an impediment of day to another day not impeded, thus it

seems reasonable that the Office can be transferred on account of a moral impediment, which is considered error or ignorance, so that the Holy One may not be deprived of his honor in that year.

If however you observe that it has erred after having proceeded much in 28 LIB IV, DE PRÆCEPTIS PARTICULARIBUS, CAP. II. Unjustly performed Office, suppose you say Matutinum; then it can either be continued or recited in place of the just Office, as they say. 2. c. 37. n. 77. q. 6. et n. 21. cum etc. But I think with Croix, l. 4. n. 1255. et §. 2. n. 3., it is better to recite one's own Office, lest an error be incurred. If however you have forgotten any part of the Hours, it is sufficient to recite that part, and not to repeat something else, as rightly says Croix in lib. 4, n. 1311 with Bon. (contra Vasq.) the whole Hour should be repeated if a notable part has been omitted through fault, because there is an obligation (at least slight) to make you perform the continuous prayer according to the prescribed rite; but see below n. 168. 162. — « II. Vocalic external pronouncement; for this is part of the substance of the precept. Et si quidem cum socio legis (quod rectè fit, et est conforme prime institutioni Ecclesiae, ac publico orandi rito, estque licitum, etiamsi is ad Horas non obligetur, nec interiori attendat, Bonac. qu. 3. p. 2. §. 1.) ea pronuntiatio adhibenda est, ut ab eo audiri possis, cumque audire, vicissim.

Sa tamen v. "Hours, he thinks are satisfied, even though some of those which are said by the cooperator are not perceived: nor is anything therefore scrupulously to be repeated." If however you alone read, so that you may hear yourself as being read, Regin. et . 10. c. 11. q. 4 will teach. Fil. tr. 23. c. 3. n. 117 admits also for scrupulous ones. If more than two recite the Office together, one should not recite one verse alone, another a different verse alone, and a third yet another verse alone, but alternately; thus it is done with a doubled choir, whether there be more from one part or fewer, because that is the usage and practice of the Church: similarly for readings, where the first reads the first, the second the second, and the third the third; however, in some places custom permits that all be read by one, while others listen.

It is a common opinion, as they relate when speaking with Busemb. shortly above n. 6 with et Croix l. 4 nu. 1298. with Bonac. Fill. King. Stoz. l. c. with the cited AA. And probably those who are cited by St. Thomas in the aforementioned place consider it sufficient for him who alone recites Psalms and listens to Readings; or who alone recites part of the Psalms and part with a companion, because he sufficiently communicates in that part which he hears, and from what is received through hearing, he already finds satisfaction. 163. — However, it is asked I.

Debetque qui recitat Officium se auditum habere, ut satisfacciat? They affirm. 3. n. 6. . 4. de n. 6. item Pelliz. S. among n. 5. Because (as they say) for this reason, that speech may be vocal, it should be uttered by the voice; but the words which merely modulate within the teeth are not voice, but rather an inception of a voice. But they sufficiently probablistically say satisfy n. 8. l. io. c. ii. q. 4. n. 110. p. 64.

Diana 7. p. tr. ii. Reply 16, note 5, when . v. Hours. n. 3), of whose doctrine our most holy doctors speak. P. Bened. XIV. In many places he esteems the aforesaid Bull of the great Pope; here the Author thus advances and proves his opinion: "It is sufficient even if you do not hear them, because no right sanctions one who refuses to be held bound to listen to Hours when the precept obliges one to speak, not to listen to Hours."

Now, since thus reciting, he already prays vocally, he subjoins this reason: "Because prayer can be made with mouth and voice even if it is not heard by him who pronounces it, and there exists a certain sound formed through the vibration of air against teeth and lips." Therefore, the reason is that for satisfaction of Hours, hearing is not commanded, but merely recitation or pronouncement of words, which is called vocal; yet in order that this vocal pronunciation be distinguished from mental recitation, it does not necessarily require elevation or formation of the voice, otherwise he who recited without the sound of the voice would not satisfy. But it suffices that some sound of words be formed, although it may be slight and barely perceptible (reciting by breath, as is commonly said), just as those who privately perform the Office do in common fashion, and it is fitting to pronounce the secrets of Mass accordingly. This light sound, when the words are pronounced (as well says Sylvius), is always produced, since in pronunciation there cannot be a compression of air through the tongue and lips, from which necessarily some sound is formed. By chance, however, it stands that the sound may be heard or may not be heard. But whether the choir satisfies when, reciting the Psalms humbly, they hear another part?

Speaking generally of the choir, it is probably satisfied, as Suetonius teaches in his second book, fourth chapter, twelfth section, note eight. Sanchez l. 7. c. 2. dub. 14. n. 2. . 2. c. 30. n. 184. Soto on Justice, lib. 10, qu. 5, art. 4. Goodness. D. 1. q. 3. p. 2. §. 1. n. 16. et n. 25. cum Fill.

Arag. . seq. in fin.), when one part constitutes one body with another and mutually communicate with each other. Accordingly, it must be said concerning Canons, that if they do not chant, they lose both their distributions and the fruits of the Prebend, according to what is stated in

the aforementioned law 3, n. 675. v. Dub. 4. It is asked II. If Reciter An si chants the Office in choir or with companions, he should repeat those parts which you do not grasp sufficiently.

Commonly all say that if because of the noise of others you do not hear, you sufficiently fulfill what is required. Cross l. 4. n. 1294. et l. 3. p. 4. n. 6. qui ait te lucrari quidem distributiones Chori, sed LIB. IV, ON PARTICULAR PRECEPTS, CHAP. II. to be held with regard to repetition; but (as Bonac. says) let it be notable that a part not heard is slight, otherwise if considerable. Reason, because hearing (the command) one cannot communicate in those things which one does not perceive. The second opinion, however, affirms this, and this is held by Sporer, tom. 3, n. 107.

Sabinus in his Luce tr. 54. n. 26. 2. c. 5. §. 4. n. 12. Felix Pot. tom. 1. qu. 2. c. 3. n. 444. et num. 24. cum item. Sa, et Major apud n. 8., qui non reprobant, et probabilem putat n. 447. cum Peliz. et q. 8. et . qui 2. p. tit. 9. c. 12. sic docet: «Si quis lectionem vel alium quod in Choro legitur, non intelligat propter legentis ineptitudinem, non peccat, dummodo conetur intelligere saltem verba. » Reason, because then through the very society itself, and simultaneously through that application of thine, thou art morally held to communicate in prayer, while thou intendest to offer to God all praises and petitions which the choir or associate proffers. This opinion seems sufficiently probable; for this precept of the Office is to be interpreted benignly by reason of the kindness of the Church; on the other hand, it will be very obnoxious to anxieties, inasmuch as the associates should always be solicitous in the Office, howsoever much the omission of hearing may have diminished from that quantity which they are bound either not to repeat or to omit.

It is certain that when and : q. 8. when Az. and Reg. say that it is not necessary to hear all in the choir, but it suffices to hear one, and it suffices to hear at least a part of another choir confusedly, although you cannot distinguish them distinctly, as . num. 24. those who testify this almost all Doctors do teach. Thus equally certain is it as teaches Innocent. IV. chapter 9. on Celebration. Omission is permissible when it comes to the word "si in choro omittas aliquod dicere" (understand non ultro), for then you do not sin, since the choir supplies [for it]. It is asked.

Does a deaf person fulfill his obligation by attending the Office, even though he assists out of obligation in the Chorus and recites his part there? They affirm from number 18. Escob. de 4. n. 6. q. 8. et Sa, ac tract. 9. R. 28. who considers probable. Reason, because on one side it is held that Chorus should assist, but on another side it does not stand by itself, but

rather listens; hence it suffices that it renders assistance as much as it can, reciting its part; for the condition which anyone is bound to impose is deemed fulfilled when through him nothing lacks to be fulfilled; and it is harsh to oblige such a one to a double office.

However, more pleasing to me is the opposite opinion, as stated by Palas D. 3. p. 4. n. 6. d. 13. n. 5., and Ebel n. 448, who say that a deaf person indeed works out distributions, but is held to repeat things not heard. It is not true that he will be obligated to perform both offices in this manner; rather, he is bound only to supply the part that has not been heard. Beyond what can adequately be fulfilled at the same time, humbly saying the part of the other choir. Otherwise they say, n. 24. c. §. 4. n. 13. cum . And this regarding THE HOURS OF THE CANONS, Q. DUB.

II. ARTICLE III.: It is at least probable that, if he be attentive in the Breviary, when he hears something confusedly, he may perceive well what is said. 164. — « III. Complete pronunciation, without syncope and abbreviation of words and syllables, without precipitating, Bonac. dist. 1. q. 3. p. 1. §. 2. From this defect, however, it is more easily possible to sin mortally in public, on account of scandal and a stricter ecclesiastical precept than in private. 23. n. 208. 209. tr. 12. Res. 23. ubi addit 1. eum qui cum tali, qui ultimas syllabas abscindit, recitat Officium, satisfacere suo Officio nec teneri repetere.

When in singing, on account of excessive speed and the cutting off of syllables (or some other cause), hearers are unable to perceive and attend to the words, ordinarily it is a venial sin only not to be bound to repeated recitation of the Office; unless there be contempt, or grave scandal, or notable corruption and deformation of the words throughout the singing. V. ubi addit 1. eum, » qui cum tali, qui ultimas syllabas abscindit, recitat Officium, » satisfacere suo Officio nec teneri repetere. Diana l. 4. Silo. et n. 4. ubi ex . ; quia pars, quae anticipatur, non communicatur cum socio qui eam audire nequit. They excuse it on the grounds of a deaf person, who does not understand those singing in the choir and cannot follow them.

You have committed venial sin only if you alter syllables in such a way as to syncopate them, so that the sense of the words is not corrupted, or if you do so with a small quantity of alterations: but no sin at all do you commit, if you do this involuntarily through inadvertence, or stammering, or an established habit which is difficult to overcome. On the contrary, you would not be excused from a mortal sin if the mutilation were great and the sense of the words notably altered. Thus commonly Lessius lib. 2. c. 37. n. 52. Palau D. 2. p. 4. n. 2. n. 8. n. 50. Sporer page 75. 2. 103.

Cross l. 4. n. 1302. num. 2. cum a 3. art. 2. n. 4. cum 302. et Cross num. 1303. And this even if you have done this involuntarily. Furthermore, it is commonly held probabilistically that Palaus l. c., Sporer n. 102 (who says that all admit this), Anacl. l. cit. et cum d. n. 2 in fin. cum Fill., that you sufficiently fulfill the obligation of the Office even if the words are notably mutilated, provided some significance is preserved in the words. Hence it is probable that even in the case where one does not repeat it oneself if one recites with a partner who cuts off syllables, provided that the sense not notably be changed, as he says: "c. He who adds well is not bound to repeat unless his partner has notably omitted a significant part, because presumption stands for proper recitation." I would have thought, however, that you would not be excused from venial sin if you recite with such a companion who mutilates, unless some cause is present, namely, if you are invited by a Superior, or by a person of very great importance, or for some similar reason.

It is certain that those who recite alternately and do not await the signal to stop do not satisfy in great quantity; see AA. apud Bus. 166. — « IV. Continuous pronouncement of one Hour: but if an interruption is made at a notable time without cause, it will nevertheless be venial, as they say in Fern. d. 10, because each Psalm has its complete significance. Si justa ex causa fiat, nulla culpa erit, nec repetenda priora, quod verum est, etiamsi animo repetendi interrupsises: consilii tamen est, si interruptio longa esset, repetere ab initio Psalmi vel Nocturni: imò probabile est Nocturnus singulos separatim, saltem intra utrum horarum spatium dici posse (quod certum videtur, si justa causa concurrat); quia secundum quosdam antiquitus ita fiebat, ut docet c. 6 et p. 3. Escouo, etc. © (The same hold for it without doubt . n. 5) © He adds in session 3, that whether three or nine readings be given, they can be divided into portions 'without grave fault, without cause, and even with this, without any fault, from the psalmody of the same Matutinal. The division of the Matutini from the Laudes does not signify an interruption of the Office; hence it can privately occur without a cause. tract. 14.

Res. » 48. from Bonac. Fillius. I. cap. VII. q. XI. It is common that the Matutinum can be separated from the Laudes without any cause, or according to numbers 4 and 11. No. 4. n. 1305. cum .

But when they are separated, it should be added "Our Father," as Croix from the Rubrica says, which prescribes that "Our Father" be said after any Hour when the Office is concluded. Et autem addendum sit etiam Oratio? Those who think it probable affirm that when it is probable that Matins and Laudes are two Hours; and they collect from no. 4 where it is prescribed that after Te Deum has been said, Laudes immediately begin,

except on the night of the Nativity of the Lord, because then Oratio is said, afterwards Mass is celebrated, etc. On the other hand, they also deny with probability nos. cum . 9. n. 5. p. 303. and Croix n. 1305. with Pelliz. Stoz. That however which is prescribed in An; whether or not the Nightwatches can be separated from each other?

They deny it on page 535, question 5. But they affirm probably n. 13. num. 4. with Pell. Full. and . at least as they say Bus and . Thomas likewise holds according to St. Ignatius, chapter c., that it is safer to oppose, but not to reproach those who, out of just necessity, divide the Nocturns. 168. — It is asked, however, whether if a great interruption occurs in the same Hour or Psalm, the entire Hour should be repeated? They affirm Vasq.

No. 1306. Because then the prescribed unity is taken away. They, however, deny more reasonably and commonly in the canons of Pa- de noris, dub. ii, art. iv. 33 taus D. 2. p. 3. n. 3. p. 2. §. i. n. 27. n. 57. c. 2. d. 19. n. 6. n. 3. cum . Reason, because each Psalm and each verse has a complete meaning, and is sufficiently united either through the intention of continuance, or through the added recitation itself. Hence they say there that he who has begun the Matutinum today may complete it tomorrow without a grave sin, even though he defer it without cause. The causes, however, for interrupting the Office justly are (as Croix says, l. 4, n. 1307, n. 54, and n. 4, cum).

Likewise it is also licit to interrupt a brief prayer between the acts of prayer, or an affection, as Anacl. says at 169. — « V. Let not the Order of Hours be inverted without just cause: for if it is nevertheless done, it will be only venial; because this order (at least outside the Choir) is not under precept except secondarily, and such circumstances are of lesser moment. If however you should remain silent either through inadvertence or for a just cause, for example, to speak with a friend or someone who is ill and wishes to read with you, no sin will have been committed: or if later Hours are said in the Choir when you have already pronounced earlier Hours, or if while praying you notice that you have omitted something or not yet pronounced the earlier Hour; you shall go forward and supply it at the end. Similarly, if a cause or necessity demands the hours to be spoken, one may say Laudes with dilated readings, or something similar, which is not contrary to the hands [of the clock]. See p. 4.

Therefore just causes for inverting the order of recitation probably are I. If you invite a friend to recite with you yourself, as in number 57 and note 1309. II. If you do not have the Brevarium promptly, you cannot express yourself conveniently, as Palaus. Gob. et .

III. If you shall come to the choir, and the Office has already been begun, then Gob. and . go in. And thus it also excuses any rational venial cause, as stated in nos. 5 and nos. 8 with nos. 10. The common opinion teaches that the inversion of order is not mortal, as testified by numbers 8 and 5. ordo officii non cadit sub praecepto But the Council there states with Vasquez (contra c.) that one who frequently fails to excuse a grave fault by inverting the order is not exempt from guilt, because such frequent inversion appears to be a serious disorder according to the aforementioned number 161. v.

Fourth. But this seems rather improbable to be denied, since it is a common opinion, 4. 34 LIB. IV, ON SPECIFIC FORFEITS, CHAP. II. as Concina himself asserts, the aforementioned order does not fall under precept, inasmuch as otherwise recitation of the current Office at any time during the day falls under precept, as stated in the aforementioned place 171. — It is questioned, however, whether there exists a grave obligation to chant the Office in due order and at fixed hours in the choir? They affirm on page 382, note 15, and note 11, "cum . . et ." The reason is, firstly because the Canons repeatedly prescribe that the hours be recited at the appointed times and days, and secondly because such an inversion involves a deformity.

They, however, deny it, Cajetan excepted. Hour, . 8. tr. 1. c. 3. n. 6. . 7. c. 2. dub. 42. num. 3. Good. Doctor 1, question 3, article 3, number 7. Gao. in cap. 5. tit. 6. num. q. ac cap. num. 10.

Reason, because such circumstances of time or order do not pertain to the substance of the precept, but are certain accidental ceremonial matters. Both are probable, but this latter seems more probable as regards the second point, because it is not certain that a grave precept has been imposed concerning this matter. Whether it is licit to celebrate Mass before the recitation of Matins? It is probable to be merely venial, if there be no cause; Concina t. 2. p. 490. n. 11. cum aliis communissime. See what should be said about the Sacrifice.

Mass l. 6. n. 347. 172. — "VI. That, unless a just cause excuses, may be said at the time prefixed by law or custom, which now obtains as Matutinum and Laudes, after the completion of Completorium in the Church, about quarter past four; and according to Bonac., also about three o'clock: and indeed in winter it can be said half an hour before sunset. Juxta eamdem sententiam non peccabit, says Bona-cina, who recites the First, Third, Sixth, and Ninth Hours either two or three hours after the rising of the sun; because this is a moderate and customary position: because the time prescribed by law has great latitude according to custom.

Nevertheless, Matutinum without cause will not be delayed until Vespers, nor Completorium and Vesperas said before the midday meal without cause; for this is an unusual inversion. During Quadragesima, Vespers may be read privately after lunch, although the rubric of the Breviary for Wednesday of Ashes does not impose a precept. No. . 6. » except that the Matins of the preceding day may be anticipated.

» (Note » here proposition 35 is condemned by . one who says: one Office can suffice for satisfying the two precepts for the present day, and for the Canonical Hours, DUB. II, II, AAT. IV. 35. erastina Si autem quis intra dictum tempus Horas non dixerit, peccavit certe; tamen postmodum dicere non tenetur; quia sunt onus affixum diei; etsi supplendo possit secundum quosdam restitutionem subterfugere, eo quod rependat aequale. Molfes. 3. t. 2. item Major. 1. 13. c. 13. Bonaventurae, decet 1, quaestio 5, paragrapha 2, nota 5, ubi dicit, eam sententiam esse probabilem, citatque pro ea sed male, quia hi loquuntur tantum de primo medio anno vel spectato solo jure naturae et secluso jure positivo. Expresse autem eam sequitur S. 6., qui vocatque veriorem contrariam.

See also t. 12. res. 24. (But I do not assent to this opinion. See what was said in book 3, number 667, where we stated that he is bound to restitution. — So that anyone may lawfully anticipate or postpone the time of a debt according to Horae, any useful or honest reason suffices, unless some danger of impending occupation or labor, greater devotion or rest, more suitable time for studying, and similar reasons arise. Thus commonly P. p. 487. n. 3. n. 72, Croix l. 4. n. 1313. 2. c. 37. n. 79, who admits even an interpellation for a just cause by friends. However, the Council says in loco citato that it is not sufficient for excusing mere greater convenience without another honest reason; contra Pelliz, who excuses himself on this ground; for in loco 7, caput 2, dubium 36, n. 3, he admits this only for the sake of study, as they also admit in num. 14. The Time of Hours begins from the point preceding midnight of the day, and ends at the point of midnight of the following day. p. 486. n. 3.

Holz, t. 1. p. 446. vers. It is said. 6. and others commonly. But small hours are licitly recited from the time of dawn until midday, as n. 13 on page 633 verse. It is said 3. with the common. Nona vero potest dici etiam post meridiem, ut ait Croix. l. 4. n. 1312.

But according to others, even Wednesday, as n. 4 and c. cum Nao assert, rejects the opinion of Molfesius and others who say that small hours can be recited from Vespers of the preceding day; for this is nowhere received as a custom. Vesperae autem possunt dici a meridie usque ad mediam noctem cc. 174. — Matutinum hodie ex consuetudine jam praescripta bene

potest recitari hora Vesperarum diei antecedentis, ita com- muniter num. 13. lib. 4. num. 1314. cum D. Thom. Quodlibet 5., articulus 18., ad 1., ubi ait: «Quantum ad ecclesiasticum Officium et solemnitatem celebrandi incipit dies a Vesperis; unde si aliquis post dictas Vesperas et Compleorium dicat Matutinas, jam hoc pertinet ad diem sequentem.» According to the ritual of the old law, transposed to the new, the ecclesiastical day and all feasts began at Vespers, as is evident from Leo 23:33, where it says, "From evening to evening you shall celebrate your sabbaths." Here it is sought.

I. Whether the Matins and Lauds can be recited at the third hour after the second hour of the afternoon? The first opinion affirms and holds this. L. 7, c. 3, d. 37, n. 3, p. tr. 4. R. Q. et 10. et putat probabilem . 2. c. 5. §. 5. n. 3. ac probabilissimam vocant n. 15. cum Ratio quia (ut dicunt) jam in prædicta hora solent Vesperæ recitari; unde, cùm dies ecclesiasticus incipiat à primis Vesperis, pariter eo tempore Matutinum recitari potest. However, the second opinion seems more true to me (although I once adhered to the opposite), and this is held on page 487, note 6, note 476, page 633, and in Croix, book 4, note 1314, with . Reason, because Matutinum, according to present custom, cannot be recited except at the hour of Vespers; but the hour of Vespers, as commonly handed down, is that which follows the ninth hour, which is midway between noon and sunset; and it varies for different times; for in summer it is the fourth hour after midday, and in winter not later than two hours after the meridian.

Therefore, nisi terminata sit hora nonae, et incoepserit postea hora Vesperarum, non potest dici Matutinum. Neither can it be said that Vespers are recited two hours after midday, from which it would follow that the subsequent day has already begun to be counted as a new ecclesiastical day. For even if it is assumed that Vespers are commonly recited at such an hour (about which I still doubt, and Concinia entirely denies this), it does not necessarily follow that the following ecclesiastical day has been commenced; for custom could indeed introduce a practice whereby they might be said without fault in that hour. Vesperæ licitè congruent antequam meridiem sit recitari; sed non potuit consuetudo introducere ut hora nona esset vespertina. Now as for what their opponents assume, namely, that custom has already introduced the following ecclesiastical day to begin at the second hour after midday, this would have been approved, since every action is to be approved: but until it is not certainly approved, the law possesses what prohibits the recitation of Matutinum before the ecclesiastical day begins, which (as their own opponents will admit) does not begin except from the hour of Vespers.

Furthermore, it can privately be recited without impunity Matutinum according to the Roman Directorium, which Tournely and Croix II c.

report. Hence, our tables say that Matutinum and Laudes can privately be thus recited: From January 1st at 21 hours and 1/4. On February 1st at hour twenty-one and a quarter. On the 25th day of February at the hour of 20 and three-quarters. On the day 17 of March at hour 20 and a half. On the day 11 April. at hour 20 1/4.

On the day of May 1st at the hour of 20. On the day of June 1, at the hour of 19 and three quarters. On the day 13th of July at hour 20. On the day 16th of August at the hour 20:1/4. On the day 6th of September at the hour 20 and a quarter.

On the day 28 September at the hour 20 and three quarters. On October 11 at hour 21. On the day of November 16th at hour 21 and a quarter, and December [space for question number]. Question II. Can the Matins for the dead be recited on the preceding day? As regards the recitation in public choir, it is absolutely necessary, as Father Concina says, t. 2, p. 386, n. 22; and this will be evident from what will be said below.

A doubt arises concerning private recitation. Against are two sentences. The first denies it, which Holmius on p. 450 n. 476 and Croix in l. 6 p. 2 n. 2066 follow, although he himself previously maintained the opposite in l. 4 n. 1202. The first proposition is also cited in support of this; however, Gavantus, Section 9, Chapter 2, note 16, seems to be speaking solely of the recitation in the choir, as the Decree itself will shortly be adduced. This sentence is militated by the Decree of S. C. Rituum issued on the first [day/month].

In September 1607, as Croix reports in book 6, page 2, note 2055, it is thus stated: "The Matins for the dead should be recited for their general commemoration in the morning of the second day of November, not however the day before evening." The second opinion, however, which is sufficiently probable and which those maintain who are found in 2 cap. 5. 8. 5 n. 7 and also in 4 n. 1202, considers it probable that c. q. 3 a.... n. 2 a affirms: since the rubric says "Dicto Benedicamus Domino," it absolutely begins with "Matutinum defunctorum:" it is probably inferred that on the preceding day, according to custom, Matutinum of the following day may be privately corrected; thus also Matutinum of the defunct may similarly be so corrected. To the contrary Decree, however, it responds not unworthily. The Congregation prohibits the Matutinum from being chanted the day before, by which word it seems to prohibit only the public recitation, and not the private one. And indeed the Decree related, as it is found in the Consultor S. C. Rit Merati in Addit. ad p. 651 (different from what Croix presents, as mentioned above), speaks thus: "Matutinum for the commemoration of the dead generally should not be chanted the day

before Vespers on the feast of All Saints, but should be recited in the morning of the second day of November after the Lauds of that day, day 1."

September 1607. » Another similar Decretum is found in the same Meratus l.c. p. 505. num. 7. previously published on the day 23. May 1603, where equally the Matins are forbidden to be sung. Another similar one is adduced where mention is explicitly made of the Choir: « Matutinum » of the Commemoration day of all faithful departed cannot be recited in the Choir on the feast day of all Saints after Completorium; but the Rubrics are to be observed, date 22. January 1701.

It is certain that the Rubrics command that in choir at dawn of the same day, Matutinum be recited, but not Vespers of the preceding day. It is asked III. An autem est qui recitat vesperi cum Matutinum et Laudibus, possit etiam recitare c. 16 num. 6 et 4 n. 1202 et hanc sententiam olim tenuit Gobatus tr. 5 n. 615. The reason why the rubric joins the Litanies with the Lauds in which therefore the verse of the Fidelium animae is omitted and appended at the end of the Litanies, as can be seen from no. 3. Therefore, since they perform something common to the Litanies and the Matutino, the accessory follows upon the principal.

But the contrary is more commonly and truly felt. Holm. Cross ll. cc. in q. proc. et Meratus l. supra cit. p. 467. n. 5. cum Stoz. Halden, et Guyeto: hanc sententiam Gobatus in posteriore editione tracit. 5. num. 616. probabiliorem vocavit. Reason, because it is not true that the Litanies are joined to the Matutino, but they are something distinct: and this is evident first from the fact that they can be divided themselves, and in fact are separated, especially in the second kind of Churches, where the Litanies are said at Vespers; it is evident secondly because those [Litanies] are recited as a substitute for attendance at the procession, which attendance is naturally fixed to those days, and therefore if the Office of Saint Mark is transferred, the Litanies are not transferred, as prescribed in n. 3.

Incidentally here to be noted with n. 17., 5. n. 5. and common opinion, Leander and others are not to be listened to who say that it is permissible to begin today's Office a little before midnight of the following day, and to continue it after midnight; for then the time has already passed for the aforementioned fixed Office; for since the Office is a daytime burden, the day entirely ends with it. 175. — « VII. That they may recite devoutly and with internal attention, at least virtually, whether directed to God or to the sense of the words, or (as Cajus says) merely to the words themselves. He sufficiently notes what is last. Whereby confused attention (whether general, as . with the aforementioned authors cited) at least ad Deum

includes attention to the words; for otherwise it would seem that there is no difference between precise attention directed solely to the words and external attention. Thus commonly, against Nao.

Which sentence, according to . » » is not improbable, and useful both for scrupulous ones and confessors, that without attention the hours reciters of Beneficiats may be commanded to restore the fruits; partly because of the authority of the Doctors, partly because this precept seems to prescribe only certain material prayers, and their external pronouncement (by which, through hymns sung organically, the Church can command something from God), but devotion as an end extrinsically does not pertain to the substance of the precept. But our opinion is more common, and more probable. And it is proven; for without internal attention no prayer is, therefore this very thing by which you are obligated to pray under mortal sin, you will also be obligated under mortal sin with some attention according to what has been said. It matters not that the Church cannot per se prescribe internal acts; for it can prescribe them when they are necessary to external acts that must be performed, such as virtual acts: inasmuch as it can command Confession, it can also command contrition.

I said, "even with a virtual internal attention at least: for although the actual is better, yet the virtual suffices; which Bonaventure and others commonly say remains from the actual as long as it is not expressly or tacitly revoked through voluntary distraction, or an action incompatible with due attention." Whereas you may be distracted involuntarily, nevertheless you virtually attend. 1. If in general you intend to say the Office in the usual manner, whether with the intention of praising God or sufficiently fulfilling your duty: 2. If with some confused apprehension and intention you recite the customary work of doing something. See Bonaventura, Question 1.

Question 3, Article 2. » 1. He who doubts through mental wandering, has he omitted something if he has a probable conjecture that he said it, or because he proposed at first to attend to it, or because he recovers in the end, verbi gratia. » Psalms, it may be presumed, that he said this, if from the book, or memory, otherwise not usually erring, he said: » (The same when » . ibid. with A A. cited. As regards others, however, it is said that someone who holds a just conjecture and has said what he has said, is not bound to repeat anything unless he knows that he did not say it. Therefore, it will be better if he does not repeat anything, in order to avoid anxieties of custom and scruples, and so that the whole Office may pass without perturbation.

Ita d. 13. » » 2. He who spontaneously distracted himself did not have any

of these attentions, grievously sinned, and is held according to common judgment to repeat the Hours; nor does he gain his fruits, because he did not perform the work of the commandment, which was that he pray devoutly. » Far. Chapter 1, Article 7, Question 17, Number 6, where it is taken from Naas.

» It is added that a mortal sin is not excused when one postpones or arranges the recitation of Hours in such a way that he becomes aware that he will be overcome by sleep, for example, if one reserves the Completorium of evening to be said in bed, knowing oneself to be accustomed to falling asleep then. Some, however, deny that a repetition is necessary in case of necessity, because the substance of the work being fulfilled lacks the circumstance of devotion. Much more and with greater probability do they deny the obligation of restitution; because they are bound to that only who have omitted the Office, not who have recited it distractedly. » See Bon. loc. cit. 1 and 2. Chapter 4. Canon 3. Number 62.

(See l. 3. n. 669.) 3. When joining the recitation of the Office with actions which notably do not impede, such as putting on clothes, washing oneself, it is venial if done without cause; otherwise nullum. Whoever, however, deliberately occupies himself with some incompressible matter with internal attention, for example, in writing and reading, etc. (Or if he attends to spectacles or to fables, etc., according to no. 28) gravely sins and does not satisfy the precept; and therefore is bound to repeat [the action]. Nao. n.7. Therefore, to fulfill the Office is required Intention and Attention.

Regarding Intention, it is certain that an actual explicit intention is not required, but a virtual implicit intention suffices, namely if you take it according to custom from the Breviary, so that you fulfill the Office as you are accustomed to do, as commonly taught by dub. 28. with p. 464. n. 2. p. 649. §. 2. num. 22. Cross. l. 4, n. 1326. n. 41. and others similarly throughout. But Croix rightly adds, note 1329, that it is not necessary to renew the intention for each individual Hours, even if some interruption intervenes, even without cause; because that resumption takes place from the first intention: but I think that the actual intention of fulfilling it always remains exercised. Syllogism. Prado, Med. But more probably Suarez affirms this in III.

D. 88. Section 3. (even though it may be perverted by someone to the contrary) . 7. D. 2, p. 3, n. 5, io. l. 1, c. 13, n. 16, n. 59. Croix n. 133o, cum communissima, et Pontas, n. 24. cum . etc. Licet enim utique is ea caret ob voluntatem non im- plendi praeceptum, tamen jam actu satisfacit. Reason, because he who spontaneously fulfills the work of the precept truly carries

out what is commanded by the superior; for to fulfill the precept it is not required that one have an intention to fulfill, but it suffices that the precept be actually fulfilled.

Nor does the parity of addition present any obstacle, for it is responded to with P. Suarez that when the obligation hangs on the own will, the debtor can properly impose that upon himself anew, and remain obligated despite the discharge of the debt; and since the obligation of the Office hangs on the will of the Church, the cleric cannot spontaneously impose it upon himself; therefore, while he fulfills it, he cannot wish not to fulfill it. Concerning however Attention, this can be external and internal: External attention is said to occur when an action that is not incompatible with interior attention is performed, such as telling stories, writing, attentively listening to others speaking, quickly dressing oneself, or performing something with great application: On the other hand, if an action does not require much mental concern, and if there is some difficulty in attending while engaged in such an action, this can be compensated for by greater care in attending. On the other hand, it well suffices who sets an action sufficiently compatible with internal attention, such as to walk, wash oneself not entirely hurriedly (for priests are bound to pray while putting on sacred vestments); likewise to gather herbs, flowers, or grapes, to prepare a fire, to spread a bed, to comb one's hair, to look at the neck, the river, etc.; thus generally according to 2. p. 2. §. 2. n. 12. and . p. 646. p. 460. n. 7. Croix n.1337. cum . idem ait . de similibus actionibus, quae non fiunt valde festinanter. Non permittit autem Croix I. c. aptare calamum ad scribendum, sed non immerito id permittunt ibidem et Beja, si recitans possit in eo retinere attentionem: Recte enim advertit Bonac I. c., quod aliquae actiones respectu alicujus forte sunt distractive, respectu alterius non.

Generally, however, it is permitted to perform necessary actions while reciting, such as searching for Psalms, Readings, etc., while you are memorizing your recitation, as Croix I. c. states: Sylvestris et Item notant Sotus, Diana, et quod si exercas aliquam actionem externam et non advertas per illam impediri internam, non teneris postea repetere: Hoc tamen intelligendum, si actio de se sit composibilis cum attentione interna. Moreover, Palaus note. D. 2. p. 4. n. 6. et Bonac. With others commonly, in D. 1, q. 3, p. 5, n. 6. ap.

Croix. l. c. non excusari saltem à culpa veniale qui sine aliqua necessitate Oficium diceret in loco distractioni exposito, ut in foro, platea: Imò addit Bonac. cum . Sessionis Basilensis 21. hunc periculum se exponere non satisfaciendi praecepto, nisi adderet magno conatu mentem applicet ad recitationem. It is most probable that one satisfies sufficiently who recites

while hearing Mass, p. 462, n. 10, cum Bus., and very common; see l. 3, n. 309. If anyone is disturbed by sleep, but nevertheless resists so much that he pronounces his own part and distinctly hears the verses of the other part, he benefits well, as . l. 7. c. 2. dub. 33. n. 1. cum . 14. cum pluribus Theologis. He nevertheless says: in a manner (to be understood), one may defer the recitation to a more opportune time.

Attention internal is held when one attends to the words, to the sense, and to God. Attention to God is indeed more perfect for all, namely when the mind is elevated to God through meditation, etc. Divinam Bonitatem, Justitiam etc. aut Mysteria Passionis, ut n. 3. et n. 25. Cross. l. 4. n. 133. cum communi. Gesta congruenter B.

Of the Virgin Mary, or of the Saints (as Concina and Croix say), because these have a proximate relationship to God. They also say that the examination of conscience is reduced to her. But to this I do not assent. Attention is had to the sense, when attention is given to the apprehension of the intelligible meaning of the words. Finally, attention is given to the words, when one attends so that they are properly expressed, lest error be introduced through multiplication, transposition, etc. And this, although it is inferior for all, nevertheless suffices well, as they say in nos. 69 and 70. c. n. 42.

Cross. l. 4. n. 1344. Holcm. pag. 218. n. 270. n. 9. et alii communiter: Quidquid dicat Tournely, qui ait cum attentione ad verba requiri etiam attentionem ad Deum; sed meliùs dicunt sufficere attentionem ad verba unà cum intentione generali colendi Deum; idque clare docet. Book 15. Question 4. Sol. 5. ubi dicit: « Primo est attentio ad verba quibus petimus, deinde ad petitionem ipsam... Et quaecumque earum attentionum adsit, non est repulanda inatenta oratio; unde etiam illi, qui non intelligunt petitionis verba, ad orationem attenti esse possunt. » Rectely adds Croix d. n. 1344: non requiri attentionem ad singula verba, sed sufficere moralem et generalem, qua quis curet bene omnia dicere cum intentione orandi. 177. — Quæritur I.

Is an internal attention necessary to fulfill the reason for the Divine Office? There is a triple sentiment. The first opinion, more common and probable, affirms entirely that it is required, and holds . 7. c. 2. d. 28 Sotus l. 10. q. 5. concl. 6, 42 LIB. IV, DB PRECEPTIS PARTICULARIBUS, CAP. II. Book in II, Question 83, Article 13.

Said Question. Hours number 10. 1. 10. chapter 16. question 6. Tractatus decimus. Example 5. Question 7. Anacl. de Hor. G. p. 195. n. 43.

P. p. 443. n. 26. qui fuset et perdoctus hanc sententiam tuetur cum Naor. Gash. Val. Maud. . and countless others. However, various Authors approve this primary sentiment from c. Dolentes, de Celeb., while it is not well approved for that sentiment.

Therein, however, no word is spoken concerning internal attention, but only an external command is given, opposed to conversations with laics in the choir, which conversations were the cause of the construction of this Canon: hence the pontifical precept that those reciting both nocturnal and diurnal Office, according to what God has given them, celebrate studiously and devoutly. And explicating this Canon, Antoninus 3. p. tit. 13. c. 4. §. 7.: "We command that each one say his Hours both day and night"; in the precept we do not place intention and devotion, but rather have taken it to be left by God's grace according to what He Himself willed: And hold this understanding, because it is more benign, and because the Church ought not to set a snare for anyone. Others approve from Proposition 14 condemned by Alexander VII, which said: « He who makes Voluntary Confession null and void sufficiently fulfills the Church's precept. » Therefore (they infer) it is well that the Church can prescribe internal acts as precepts. But the aforementioned opinion is not sufficiently established by this reason; for thus the Church would not be able to prescribe internal acts, but only to prescribe a valid Confession, congruent with Christ's precept.

Therefore reason prevails, because without internal attention prayer is not constituted, which is universally defined as: The elevation of the mind to God. Wherefore, although the Church has not imposed a special positive precept of internal attention, yet by commanding the recitation of the Office as an act of prayer to God, she gives a true precept of prayer, which without internal attention is not true prayer; nor is God worshipped through mere external recitation by those who voluntarily distract themselves; but rather God reproves them: "This people honours me with their lips, but their heart is far from me," Matt. 15. And conversely in John 4 it is said: The true worshippers will worship the Father in the Spirit and in truth. Second opinion, which they hold [16] cap. 3 n. 31, seeks to reconcile the aforementioned first opinion with the third, which holds (as we shall say below) that internal attention is not required; and it says that, assuming on one side that attention to the words alone suffices for fulfilling the Office, and assuming on the other side that complete attention is absolutely required for correct recitation, at least insofar as the mind attends to the words with an intent (even general or confused) to worship God, then he who prays in this manner will attend to the words correctly without being distracted from one thing to another, and

simultaneously attend to the words pronounced rightly; hence he will always satisfy himself and not retract his intention of attending by contrary will. But according to the first sentiment, which requires formal and explicit attention, P. Concina justly says that he who voluntarily distracts himself minimally can attend to correct pronunciation of the words; or his attention will be so slight as not to reach the proper proportion of attention.

The third opinion holds that in order to substantially fulfill the precept of the Office, it is not necessary to require internal attention, but suffices the intention of reciting with external attention; this is maintained by Lugo de Euch. D. 22. ex n. 25. cum Pauld. The third opinion holds that for the purpose of satisfying substantially the precept of the Office, internal attention is not required, but it suffices that there be an intention to recite with external attention; this is maintained by Lugo de Euch. Med. While lasting.

Rosell. item Coninch. on the Sacraments, 3rd part, question 83, number 291. Sylvester v. Mass 2. q. 6. Angle versus. Hours n. 17. 21.

Document 5, number 821, question 5. They call probable: Croix, 1, 4, n. 1342, c. 2, § 1, n. 19, p. 541, n. 403, and 2, c. 37, n. 63, 4, tr. 1, c. 5, n. 10. Sporer de Sa- sacramentum ad n. 75. Pelliz. tom. 2. tr. 10. c. 6. n. 17. . 9. n. 6. P. Zachar. l. 4. n. 1341. et 1342. et alii plures et hanc quoque expressè tenet D. Anton. ut infra afferetur.

Reason 1: because prayer, as it is defined by Damascene in book 3 and by Doctor Thomas in part 4. Distinction 15., question 4., article 2., question 1., n. 1. is a petition of hundreds to God: Yet it does not repugn that God can represent our petitions to us even with an actual mental distraction; for if someone were to recite before the King an oration composed for some grace to be implored, he would certainly pray before the King by reciting it, even though his mind might then be distracted elsewhere; Likewise, one who recites the Office, despite internal and voluntary distraction, can still pray to God; for external attention joined with the intention of reciting makes the recitation of Hours into true prayer as regards substance. And thus it cannot be denied that D. Antoninus in the aforementioned book, when explaining the text in cap. Dolentes, offered a slender explanation. The words of the Holy Doctor it is necessary to repeat here: "We command that each one say his Hours both day and night; we do not place in the precept intention and devotion, but rather what God Himself has willed to give as a gift, we have taken and left behind." And hold this understanding, because it is more benign, and because the Church ought not to set a snare for anyone.

From which words it is evident that the holy man did not merely express the text to be understood solely with external attention, but also intended generally to demonstrate that the Church does not require internal attention. But D. Ant. not only asserted that the Church does not prescribe this internal attention, but subsequently, in the same place § 8, taught that it cannot even prescribe it; for after presenting St. Thomas's doctrine that attention should always remain in prayer according to its own virtue, he adds: "Nevertheless, it is not required that intention accompany literally the entire prayer... yet it is required that the one praying knowingly not distract his mind from prayer; for this cannot be without mortal or venial sin." » Then he explains that one would then sin mortally by reciting when, through voluntary contempt of internal attention, one would deliberately distract oneself, or when one would recite with external distraction as well. In his words: "But if the wandering is advertently and solely according to the interior act, although it would be temerarious and grave, it is not nevertheless mortal, except through contempt, because the Church does not have the authority to judge mere acts." LIB IV, DE PRÆCÆVTIS PARTICULARIBUS, CAP. II. » interioribus; propter quod Minister Ecclesiæ, licet dicendo orationem cogitet aliud, non videtur transgressor præcepti ex natura facti.

If however the wandering of the mind arises from the fact that someone knowingly engages in an exterior act without bearing attention with himself, it seems to be mortal and directly contrary to the Church's precept concerning celebration. This do not observe those who, knowingly occupying themselves in an external act, knowingly subtract attention from themselves. Therefore without doubt St. Anthony supposes that internal attention is neither a precept of the Church; nor is it of the essence of prayer: but sufficient is external attention together with the intention previously to have been in a state of prayer; for otherwise, if internal attention were of the essence of prayer, then the Church not only could but also ought to have prescribed it. And concerning this opinion, it seems that St. Thomas clearly holds the same in the fourth place. D. 15. q. 5. a. 2.

Sol. 4. ad 3. q. ubi prima fronte videtur stare pro sententia opposita, cùm dicat: « Dicendum quod attentio ac tualis requiritur ad orationem aliquo modo vel ad evitandam transgressionem in illa oratione qua est in præcepto vel ad meritum in illa quæ non est in præcepto. » However, further below at 2., it is explained that that actual attention, which is altogether required for prayer in some way, whether to avoid transgression in that prayer which is in the precept, or for merit in that which is not in the precept, is understood of external attention alone; and his words are:

"When anyone turns his mind from the purpose by distraction while praying, then he is without fault, especially if in other things he willingly seeks what distracts the mind; such exterior works are fitting. And if I stray contrary to this, even mortal guilt will be mine." Where it is noted that the Most Honored Teacher indeed distinguishes the guilt in voluntary internal distraction, which he says is never without guilt (namely venial), from that guilt which exists in external distraction, which is incompatible with internal attention; he calls this guilt mortal. And thus to this place. Antonius. l.c., dicens: Unde S. Thomas (4. p., Dist. 15.) « ibi dicit quòd in oratione, si in aliis sponte se quis occupat in his quæ mentem distrahunt, congruent sunt opera exteriora, et si ad contrarium mens evagetur, etiam culpa mortalis erit: exponendam Petrus, et dicit quòd loquendo de oratione, quæ est præcepti humani, illud verbum contrarium non refertur ad orationem, quia bona opera exteriora non sunt contraria orationi, sed est referendum ad attentionem, quando scilicet se exteriùs occupat circa aliquid incompossibile attentióni orationis. »

Therefore (as St. Antoninus explains), the Angelicus supposes that prayer is lacking then only when an external distraction is added by a work that is incompossible with internal attention, and at that time he recognizes mortal guilt only in transgression of the precept of prayer. Reason 2. quia, si attentio interna necessario requireretur ad essentiam orationis, ille qui involuntarie distrahitur nec etiam officio satisfaceret. It is certain among all, that by involuntary distraction minimally impedes the fulfillment of the precept of reciting the Office according to D. Thom., 2, 2, q. 83, art. 13 ad 3, where he teaches: "The wandering of the mind, which occurs contrary to attention, does not deprive it of its fruit." These authors still concede with regard to the first proposition, but they say that he who voluntarily distracts himself actually revokes the primary attention, and thus does not satisfy, since he no longer prays; whereas he who is involuntarily distracted remains virtually attentive, and therefore prays and satisfies. I however confess my weakness, never having been able to understand how attention can virtually remain in him who is distracted, even though involuntarily.

I indeed well understand that intention, since it belongs to the will, when once it has been held and not withdrawn, virtually perseveres in affection or in received means, because these means proceed from such an intention; but I do not understand how one who is otherwise occupied can be said virtually to remain attentive to prayer. It would rightly be said that he, involuntarily distracted after having had the intention of attending, although he does not retract it, wishes to attend; but he cannot be said to attend when he is entirely elsewhere; for it is incongruous to say that one virtually understands what he reads if he does not actually understand it,

even though he had the intention of understanding; similarly, it is incongruous to say that one virtually attends when he does not actually attend. Whereby Lugo concludes correctly n. 39, that if internal attention were required for prayer, he who would be involuntarily distracted would pray effectively not at all but merely affectionately. In tanto igitur dicit hoc verè orare, in quantum intentionem internam priorem orandi conjungit cum externa attentione. Reason 3. because the Priest administering Extreme Unction (whose form is deprecatory) with the intention of doing what the Church does, even though he actually diverts his mind, validly administers; therefore prayer can stand well without internal attention. To this difficult objection variously respond the authors of the first sentiment.

Others among Concina's authors say that in such a case the Sacrament is invalidly conferred, because then the Priest would have neither intention nor attention; for whoever has his mind distracted deals with both in act. But this response seems excessively weak, because for the universal reason of Sacraments it is required that there be solely the pronouncement of the form over suitable matter by a minister having power, with the intention of doing what the Church does, according to the famous saying of St. Augustine, tract. 8o. in Joan. Additionem verbi ad elementum, et fit Sacramentum. And it is more evident from § V, where it was established: "All these Sacraments" are perfected by three things, namely by matters as material elements, by words as form, and by the person of the Minister conferring the Sacrament with intention to do what the Church does. Wherefore, when all these things concur, it must be said that the minister who pronounces the words of the form with due intention in the Extreme Unction effects a valid sacrament undoubtedly.

P. Concina respondit aliter et ait: quod Deus elevat verba Ministri, quamcumque ille habeat intentionem perversam, ad gratiam conferendam; sed huic opponit Lugo n. 30, quod si attentio esset de essentia orationis, hac ablata, deesset oratio, et consequenter evanesceret LIB. I, DEPRACEPTIS PARTICULARIBUS, CAP. i, FORMA SACRAMENTI EXTREMAE UNCTIONIS, QUAE EST DEPRECATORIA. Concina respondit in talibus, quod licet destruatur ratio moralis orationis, rennatur tamen physice, scilicet illa externa prolatio verborum, quam sententia aliquorum asserebat sufficiere; autem ad implendam obligationem officii dicitur requirere utor rationis moralis; et ratio moralis est, exigit essentialem attentionem. But to this reply responds the said judgment improbable to be meted out, as we shall prove in lib. 6, n. 2-3, where we discuss, that no requirement is imposed on the matter of Sacraments, so that the Minister may intend to do what the Church does. The response is given as follows: Is it attention of the intention of prayer taken generally or rather of moral

prayer intended?

Sidicis, est de essentia orationis moralis, non autem physice; conceditur qui talis oratio nesset meritoria; at esset satis factoria, cum esset vera oratio: Ergo, ricitans officium vohuntariè distractus, careret quidem meritò, sed jam satisfaceret tunc Ecclesia præcipiatab obolutè orationem; non autem oratio nemmeritoriam, saltem non constat hanc præcipere. Whether or not you say that attention belongs to the essence of any prayer, it should be conceded that prayer without attention cannot be morally or physically praised; for if attention belongs to the essence of any prayer, a prayer without attention would be an empty prolongation of words, neither a prayer nor moral nor physical, lacking the constitutive element of prayer. Wherefore, since the essence of the form of the Sacrament of Extreme Unction is required, as it is preceptive, according to that. Jacobus, quod Presbyteri orent super infrum, Sacramentum merit nullum, si formam Sacerdos proferet sine attentione; Etenim posit, quod forma hujus Sacramenti debeat esse severa oratio, et oratio sine attentione non est oratio, non potest Deus elevare ad conferendum gratiam Sacramenti, nisim formam aptam, qualis non esset illa meraprolatio verborum; licet enim possit efficere Deus quod res non apta ad producendum aliquid effectum, illud producat, non potest tamen efficere quod sit ratio illa, qua non est oratio. Nevertheless, the first opinion appears more probable, at least inasmuch as it is supported by extrinsic authority and ought to be consulted with caution; but secondly, too, the authority of the Doctors, which is not to be despised, and whose reasons are founded on weighty considerations, appears sufficiently probable; at least because it is not established that there exists a precept concerning internal attention in the recitation of the Divine Office.

And yet I would not dare to condemn the Beneficiary for restitution, who had recited the Office with voluntary distraction and had also received the fruits thereof, as Croix excuses l. 4, n. 1, 2, 1, 3., and also Soto, Tolet. Med. Garcia, Gobat, etc. Videre dictum libri tertii, numquam sex. The other scruples to be cast aside and the utmost care to be taken in lifting up the hearts of those reciting hours, it is very fitting that this be considered carefully indeed, commonly. D. Yet still the proponents of the first opinion teach that natural duty requires not merely that one volunteer to be distracted and diverted, but also that one advertently and entirely advert to being distracted; for otherwise, although he may divert himself spontaneously from recitation, yet he does not do so spontaneously from the act of recitation. Thus dub. 28. n. 10. et II. cum .

Soto, and Croix l. 4. n. 346. cum Fill. Gob. et n. 42. et Cajet. Summary end. The hour, when he says: "If anyone perceives himself thinking on

foreign matters, but not," he perceives that he is distracted from Divine Office; although he may will those things to be meditated upon, yet the mind is not voluntarily distracted from the Divine Office. For indeed the Council says that such distractions are impossible for men to avoid altogether, especially for those who are zealous, because these kinds of exercises are of the intellect, which, since it is a necessary faculty, is so influenced by frequent occupations that it is, as it were, driven away from its controversies with added spurs.

Hence they note commonly with Naon and others, that if anyone, having perceived himself to be distracted, has a moderate diligence in attending, he in no way sins. He adds moreover with Gers. Margar. et pluribus aliis non oportet ut homo semper tota conetur sollicitudine quin tolerari possit aliqua divagatio ad caput refocillandum. It has been said that he should thoroughly advertize himself, because although one who reciting semiplene advertized himself to distraction and would commit peccatum veniale, still nevertheless substantially he would fulfill the Office, as long as the first attention or intention of always attending perseveres until full advertentia is not revoked; for the intention which was previously conceived with full deliberation did not cease to exist unless another full advertentia were to retract it. Ita.

Whereupon it is inferred with Naumachius and others, that then reciting gravely he would sin, according to the sense of the first proposition, when from contempt or industry he would turn aside: "Therefore, so far as (thus Cajetan concludes). "In the aforementioned place it will not have clearly appeared that they changed their purpose by advertently and knowingly considering other matters to have wandered; hence they are deemed to have satisfied their obligation: He also subordinates Croix with Nao, saying that those who occupy themselves in pondering whether or not they are distracted do not act rightly, for this very thing itself is distraction." The remedies, however, are more opportune for repelling the distractions of the mind. I. At the beginning form the intention of praising God.

II. To renew the intention to glory of the Father, or at the beginning of any psalm. III. Some mystery of the Passion to itself represent. IV.

Sense diligently to keep, and other such things as may appear among Anacl. and Eblel. II. cc. Pro scrupulosis verò advertit Croix lib. 4. num. 1350. et 1351. eos nihil teneri ad repetendum, nisi certi sint mutassent intentionem orandi. Gob. also added ibid., n. 1354, that if anyone were to suffer severe anxieties, it might even be permitted for him at times to refrain from reciting the Office, until it appears that he can do so without such great difficulty, since a significant difficulty is excused by itself

according to the precepts of the Church. 178. — This question is considered here II. Would one commit a mortal sin by reciting the Hours while existing in a mortal sin? Adrianus ap. . 7. c. 2. dub. q. absolute affirmat, quia exercet actum Ordinis; licet dicat satisfacere præcepto.

Others, as Medina and Ledesma according to the same B LIB. IV, ON SPECIFIC PRECEPTS, CAE. II. ; quia tunc irrogat Deo magnam irreverentiam, cum eodem tempore quo petit beneficium a Deo intendat illum offendere. The continuator, however, on p. 653 at the end, holds that if the one reciting has a desire to exit from sin, then already he prays devoutly and fulfills the Office; but if, on the other hand, he has an actual purpose of offending, at least he says there is doubt whether he fulfills it, since there is doubt whether he truly prays. However, and more truly is the common opinion that this man satisfies and does not sin mortally as Sanchez num. 3. with Naor. and Croix lib. 4. num. 1348. with Corduba hold.

Reason, because on one hand the recitation of the Office is not an act of the sacred Order, although it is imposed upon those constituted in sacred things: on the other hand, even though he gains nothing for himself, yet when he prays in the name of the Church, he can properly obtain merit for others. That he pray in the name of the Church with the purpose of sinning does not seem such a great irreverence that it should be condemned as mortal; although it seems not to be able to be excused even as venial, as Croix says at 179 — Question NoneIII. Whether it is licit to recite the Office in unclean places? Others, however, as in 10. q. 5. ar. 4. at the end . 3. ar. 5. n. 5. n. 67. n. 1. and n. 148. when they feel this to be venial, if it is done without cause, because it seems that this lacks some sort of irreverence.

Others however, according to l. 7 c. 2 dub. 44 n. 4 num. 11 cum . II. Res. 33. with Escob. Fausto et al., do not recognize any culpability in this, because since God is everywhere, there can be no irreverence in praying to Him anywhere: otherwise, if there were irreverence, it would not be permissible in any way to pray either mentally or vocally in an inappropriate place: which no one says; on the contrary, according to 1 Timothy 2. c. 1. v. 8., he says: "I want men to pray everywhere." Question.

IV. Whether it is a fault not to preserve the position in the recitation of the Office, namely standing and genuflecting, according to the Rubric? Others deny it, as numbers 11 and Sporer p. 82 number 149 with Zeroll say (for they say) that this is not prescribed but consulted and ordered for the sake of greater devotion; And the same view is held by Croix l. 4 number 1321., who says in this it is rather possible to sin through scandal than through

omission. But they more probably affirm 3. a. 5. n. 7. and Tournely p. 646 q. 2., because this is prescribed in the Rubric; although omission does not exceed venial sin, as they say Vat. et c., since this Rubric is merely directive. This, however, is understood with regard to the Choir, for outside the Choir it is commonly taught by the aforementioned authors (whatever anyone may say) that there be no culpable fault in omitting what is prescribed; although it is laudable to observe it.

Concina however opines on page 491, n. 2, and c. n. 6, that one cannot be excused from a venial sin who recites the Office lying down in bed without cause. 180. What the cleric can do regarding the disposition of the fruits of his Benefices? Are beneficiaries considered lords of the fruits so far as necessary sustenance is concerned? — 181. Whether they are lords with regard to non-necessary things? See also lib. 3. num. 491. — 182. What is to be noted regarding the suitable sustenance of a cleric? — 183.

What quantity of expenditure on vain expenses is deemed grave? — 184. What are held to be incumbent upon the cleric to expend for pious uses? — 185. What is understood by the term usus pii? — 186. See Resolutions. — 187. Whether clerics can testify concerning the fruits of a Benefice?

NOTE ON THE ALIENATION OF ECCLESIASTICAL GOODS. 1. Regarding the penalties for alienating goods: Can such goods be alienated if such a faculty has been given by the donor? Not. III. What might come under the name of the Bona Ecclasiastica?

Not. IV. What if the alienation is forbidden by the donor? And what are the just causes for alienation? Not.

V. Which solemnities are required? And what if the cause should fail? Not. VI.

What goods can be alienated without solemnities, and in what cases? Not. VII. What about the location of ecclesiastical goods? 180. — « Resp. 2. Clerical Beneficiaries, so far as that part of ecclesiastical goods is necessary for a congruous sustenance and decency of status, are made lords thereof, so that they may freely dispose of them.

Where rightly noted, Nao has this congruity and decency to have a breadth of latitude, and their own degrees; therefore, if the price of congruous sustenance for an infirm person be 300 florins, medium 400, highest 500, the cleric lives on the infirm person, being able freely to dispose of the remainder. Thus common. Because he acquired this as a wage for the

maintenance, as it were a reward for the work rendered. » (See vol. 3, no. 4qt, view. III. The same [refers to the previous discussion] 181. — "Resp. 2.

It is even more probable against Naas and many canonists, as well as new beneficiaries who are not regulars (for it is different regarding regulars, as Cardinal D. 4 s. 1 n. 2 says), to be absolute lords of all their revenues; hence, even if they expend them on secular uses, they are not bound to restitution. It is more common among the recent authors, according to Binsfeld. d. 4. p. 4. ex S. etc., tum quia fructus faciunt suos, ut supponit c. 12., tum quia alioqui non possent fructuum dominium in alios transferre (extra pios usus) omnesque eorum donationes et contractus essent invalidi, et ut tales à judice declarandi et bona Ecclesiæ restituenda; quod cum nunquam sit factum, praesumiri non debet esse faciendum. Card. Lugo d. 4. n. 1.

But see what is said in book 3. » n. 4qt.) » Nevertheless, it is generally held that they should be considered good ecclesiastical goods, to be expended superfluously for pious uses, both common opinion holds this to be true, as does the Cardinal. Lugo. d. 4. n. 10. dicat nimis singularem esse sententiam Petri Hurt. et 50 LIB. IV. ON PARTICULAR PRECEPTS.

CHAP. II. of the sibyls, or certainly half of it, which is sufficient for due sustenance. See C. Lugo I., caput ubi plurimis pro se citatis Auctore ostendit, in ea non perstitisse, atque nulla vel auctoritate, vel ratione fulciri: ac denique suam multis probat, præsertim ex c. 5. de ref. ostenditque istam obligationem nasci ex jure non tantùm humano, sed etiam divino naturali. See also Bonac. I. c. p. » 2. 9 (Vide I. 3. n. 491. vers.

IV. c. Mol. » . Lugo, etc. 9 (Vide I. 3. n. 491. vers. Q. II.) 9 » ## Whereupon these cases are resolved: 182. — « 1. Suitable sustenance is not equal in respect to all, because more is required by the Bishop than by the Dean; by the Dean than by the Canon; by the Canon in the principal church than by the parish priest; the weak and tender than the robust and strong: and what suffices in one place does not suffice in another. Therefore, attention should be paid to the use of the fear-inspired consciences of others in the same degree, etc. Nor does it hinder that a Beneficiary has risen from humble origins and thus cannot make expenditures fitting his station, as stated by Mol.

It teaches the Cardinal. Lugo I. c. V. Ban. I. c. n. 8. " 2. By the name of congruent sustenance is also understood due hospitality, not only towards poor strangers (who are especially commended by the Triduum), but also towards urban dwellers.

That which a cleric has contracted for his sustenance, either pro sua sustentatione vel ob piam causam, can be solved out of ecclesiastical revenues; but not that which he has contracted before obtaining a benefice, unless he is poor, ibid. n. 67. A cleric may lawfully nourish his own consanguineous relatives from superfluous goods in studies, if they do not have elsewhere; this being so because either parents do not wish or are unable to nourish them in studies, ibidem et n. 13. It is permissible to dotare from a benefice if he cannot otherwise. (But it is held that the father is bound to dotare his sister from his own portion, according to Croix 1:4, n. 1357.) A fortiori tenetur alere Matrem, Croix ibidem) 9, quia naturali jure debet illis alimenta, in quorum locum succedit dos. Mol.

Binsfeld. etc. Tamen cavendum est, ne sub peccato mortali illas notabiliter supra statum exalte, vel hos legitime æquet: etsi nobilis plus dare possit quam alius infimæ sortis. V. 4. tr. 2. cap. 3. num. 4. 183. — “ 6. If he expends superfluous goods for profane uses, e.g., » In hunting expeditions, dogs, horses, parasites, buffoons, bodily injuries, in enriching friends and kinsfolk; etc., (which understand by this the notable quantity in the genus of prodigality, which is far greater than in the genus of theft) ® (Palaus, according to Croix, book 4, number 1358, requires three or a fourth part: Coninck requires a fourth: But Croix, with Lugo and Hann., disapprove this and say that twenty parts constitute a serious matter.) ® He gravely sins indeed, but is not bound to restitution; because he is the lord of his own produce: consequently neither he who receives. » Thus likewise. Session 21, cap. 1, lib.

7. chapter 8. question 2. See 4th part, 2nd question, chapter 3, note 4. Bond. 4. p. 2. Question and response number one in paragraph four, etc. (See book three, section four hundred ninety-two.) 184. — “You ask I.” What are to be expended for pious uses?

» Resp. All those things which they have received either from the Church or from others, as procurators of divine worship; but not those things which have not been offered to divine worship, or which have already been expended by the Church for divine worship. C. Lugo. d. 4. The reason is that the former have annexed to them an obligation of Religion, whereas the latter do not: or if they have had it, it is now extinct through extension in pious uses. Observe this doctrine of D. Thomas, 2-2, q. 185, art. 7, ad 3, where he says: "Not all goods of the Churches are to be distributed to the poor, except perhaps in the article of necessity, in which even vessels dedicated to Divine worship for the redemption of captives and other necessities of the poor are diverted; as says S. Ambrose; And a cleric would sin in such necessity if he wished to live on matters of the Church,

provided he had patrimonial goods."

See the aforementioned in book 3. Number 491. Question. V. But the Holy Teacher adds to 4.

Necessitate non imminente providendi pauperibus, de his quæ superfluunt ex proventibus Ecclesiæ, possessiones emat vel in thesaurum reponat in futurum utilitati ecclesiae, etc. I. The goods of the patrimony can be expended for profane uses by the Clerics; and those which the Laity acquire through inheritance, industry, donation, or some other manner, can live in the meantime on Benefices. Item, quasi Patrimonialia, hoc est, quæ acquirunt Clerici non tamen ut reditus Beneficii sed ut stipendia alicujus Officii Clericalis, v.g. ratione concionis, pro Missa, funere, Officio defunctorum, administratione Sacramentorum, anniversariis, etc. Lugo l.c. n. 23. n. 19. ® (Et hoc vocat longè probabilius 2. c. 2. dist. 45. num. 4. against the Host. Syllow.

Panorm. and others » commonly. See what is said in book 3, no. 491.) ® « 2. It is more probable that distributions, or presents (as they are called) which are given to Beneficiaries as presents in the Choir, can be used for profane purposes. Thus Syllo. C. Lugo num. 24.

Number 17 against law 3, note 491.) ® « 3. Fruits which are given for Capellan or Vicarian, not in a collative manner but at the will removable, can be expended for profane uses; because they are not fruits of Benefice (for this is conferred through canonical collation), but goods almost like patrimonial. See C. Lugon. 28. It is probable as well that the Pensionary lawfully may use his own Pension. » He expends it on profane uses; because the Pope extracts it from the revenues of the Benefice and gives it to another who does not possess that Benefice. »

C. Lugo » loc. cit. contra § (Vide » dict. l. 3. n. 491. vers.) What. VI. » « 5. A partem, quam clericus parcè vivendo sibi servat ex congrua sustentatione, licite expendit in usus profanos, quia expensa est jam ante in usus pios. ibid. et Bon. d. 4. p. 2. n. 14. » from Mol. (See vol. 3, n. 491.)

III. The same.) 188. — “You will ask 2. What is understood by the term pious use? Resp. Who is ordered either to the cult of the Divine, or to spiritual or corporal mercy, for example, to the cult of temples, necessitated by the poverty of the poor, that is, those who do not have necessities either in regard to nature or state; likewise for the use of Religious persons, chapels, masses, suffrages for the departed, hospitals, etc. (See l. n. 491.)

What. II. and no. 672.) ˚ From henceforth the following Cases are resolved. 188. — " 1. If a cleric experiences superfluous use for profane purposes, for example, if he acquires immovable goods for himself, he cannot retain these, because he does not satisfy the obligation attached to such goods: and still further satisfaction can be made when goods are acquired at a price equivalent in value. C. Lugo n. 43. V. 2.

He who receives goods as a gift from a cleric for profane use can be excused from sin if they were not induced to such a donation, and the cleric is not rendered impotent to expend superfluous amounts on pious uses. Card. Lugo, number 40. Because a cleric can substitute from patrimonial or quasi-patrimonial resources. » (See book 3, note 492.)

Qu. VIII.) ˚ 187. — « 3. Clerics indeed, by reason of long-standing custom received in many places, can licitly testify concerning revenues from Benefices, yet not otherwise than for pious causes: for although where custom has ceased to be valid they might justifiably testify even for profane uses, nevertheless they would commit a mortal sin. See 2. c. 19. n. 41. c. Bon. d. 4. p. 3. n. 2 et 5. c. 1. de ref. et sequitur ex dictis. Unless, however, they have done so with the faculty of the Pope: who, even though it supervenes in a testament already made, causes that to revive.

See » . 3. R. 99. above book 3. title 5. chapter 4. ## Concerning THE ALIENATION OF ECCLESIASTICAL GOODS. (See) In regard to this kind of alienation, it is fitting to note more on this subject. Note I. That Pope Pius II in Extra.

Of ambitious matters concerning the Rebus. The Church does not permit immovable goods and precious movable goods of the Church to be alienated under severe penalties; and it declares absolutely forbidden the alienation; see Lu Croix l. 4. n. 1363. And the same was declared by Urban VIII in the year 1624, according to Delbene de Immun. D. I. n. 7. Idemque dicitur de loco Pio erecto auctoritate Episcopi, ut dicunt Wading. de Contr. D. 2. dub. 8. 3. 4. et Dicast. apud Croix ibid.

Furthermore, the Sacred Congregation declared that religious are not able to receive mutual loans with solution of interest; see Delbene loc. cit. d. 1. n. 12. By the name of Alienation, a permutation and transaction over a thing possessed would also be approved, if part thereof is to be relinquished. Delbene, cited doubtful no. 12. Caducitas emphyteusis potest autem reverti, Delbene ibidem. Furthermore, it must be noted that under the name of Alienation also comes Permutation, the handing over of a

thing as security, and Transaction; always and more so does a part of the already possessed thing relax from the Church: because then it is true alienation; but if the Church did not possess it, the Bishop can well make a transaction, as Delbene and Barbosa note in ibid. Delbene also observes with the common Decree DD that the aforementioned Bull of Pius II. relaxes in Extrao.

Ambitious, as regards these penalties it has been received by few in these briefs; and as regards the observance to be kept, custom of places is to be attended to. But it must be noted that in the aforementioned. I extract. Ambitious, it is said to have presumptuously acted; hence, those who ignorantly and invincibly deny these penalties are excused. Note II that although some good may be given to the Monastery with an expressed faculty of alienating it by its own authority, nevertheless it cannot be alienated without the assent of the Pontifical authority, as Lugo says in Resp. mor. 1. 3. dub. 10. n. 2., and dub. 12. n. 3., because then the thing acquires the condition of an Ecclesiastical good.

But not without reason does Croix 1. 4. num. 1364 consider probable an opposite sentiment to that which Delbene loc. cit. dub. 10 and Bonac hold. Cooarr..... Ratio, quia congruent donans poterat de re disponere, ita etiam poterit donatarius ex illius potestate; neque res tunc absolutè acquiritur Ecclesiae, sed tantùm ad bene-placetum donantis: Quod concedit etiam Lugo, casu quo donator expressè voluisset ut res alienaretur, tunc enim certum est nunquam absolutè acquisitam fuisse Ecclesiae; Ita etiam neque res dici debet absolutè acquisita Ecclesiae, quando donata est cum tali facultate alienandi; Congruent contra, si donator prohibeat posse ullo casu rem alienari, non poterit quidem alienari, etiam cum assensu Pontificio, et justa accedente causa, nisi causa sit talis ut faciat præsumere consensum donantis, juxta infra dicenda in Nota IV. It seems equally licit to repudiate a thing immobile and not yet acquired, as Croix l.c., with Sylo. and Abb. ac Dell. d. 5., who nevertheless d. 6. with Mol., n. 1364. Because before acceptance the Church acquires no right or action regarding a law; but the first opinion seems more true to me, for acceptance is required for the validity of the donation, not for the legacy, which the legatee acquires immediately after the testator's death. They permit, however, Abbots, Cooarr.

Molina, Del- 54 LIB. IV, ON PARTICULAR PRECEPTS, CHAP. II. well, etc., according to Crixus, loc. cit., it is possible to hypothecate ecclesiastical goods without the assent of the Pontiff; but probable contradictions oppose this. Vasq, Note III. what are called Rights of Ecclesiastical Goods include simultaneously rights and actions regarding immovables, as well as names of debts, and servitudes, Delbene loc. cit. dub. 12. Croix l. 4. num. 1365.

cum Wading. et Piasecio. By the name of Precious Things come vessels of gold or silver, gems, and a copious Library; Delbene doubts, section 1, and Croix with the same, also incisions of forests and meadows, if there is deterioration, according to . 3. tit. 9. ch. 10. n. 2.

Delbene s. 5. et Piasec. Wading. at the art... num. 2. and Vasq. Fill. Lexicon according to Croix against Wading and Tirag. And even these are relevant to the immobile annual perpetual revenues, Croix ibid. with Wading.

Note IV: that the alienation of goods of the Church, even if the donor has prohibited such alienation, is valid, because prohibition is presumed to have been made if there is no sufficient cause, as Croix says in book 4, note 1366, with Delbene and others. The just causes are Necessity, or Utility, according to Eccl. Again, Piety, for example, in the case of redemption from captivity, or some other grave necessity to be alleviated. Moreover, inconveniences, if the thing to be alienated greatly differs, etc. Thus it is said. Mol.

Abb. Syllable. Item when great congruence, as they say Croix and Delbene Dub. 28. Whether an alienation made without just cause is a legitimate and valid act for the Pontiff? Resp.

If alienation is made to another Church, it will be valid, but not licit. If, however, it is made for profane use, it will be illicit and invalid; thus rightly stated in note 11 according to Nao. Reason, because the Pope is not the lord of ecclesiastical goods, but an administrator, according to the aforementioned law 3, number 931. Note V. that due Solemnities are namely, 1. Common consultation, 2.

Consensus Chapteris vel Cleri. 3. Consensus Episcopi, vel Superioris Regularis, etiamque Patroci, si alienetur Beneficium patronatum, ut censet Piacesius; sed huic contrariatur subscriptio consenientium pro casibus à jure expressis. Consensus Pontificis, sive facultas sacræ C. Vide Croix l. c. Si autem alienatio fit sine causa, censet Delbene dub. 20. eam esse invalidam, etiamsi fiat ex consensu Pontificis: Intellige, si fiat in usus profanos, secus si in aliam Ecclesiam, prout rectè ait . c. Si autem alienatio fit cum sufficienti causa, sed sine solemnitatibus, dicunt Abbas, Sylo. Angel. Fillius (qui probabile putat) valere pro foro conscientiae contra Covar. 21 qui probabilius tenent jura irritare hujusmodi alienationes ob damni periculum si solemnitates omittantur easque dicunt invalidas esse quinam sine assensu Pontificio cum assensus ad formam prae re DE STATU CLERICORUM.

DUB. III. 55 is questioned. But this agreement let us suppose to have been conceded by prescription for thirty or forty years? Quarterly, with Note VI. Without, however, a special cause and without solemnity, they can be lawfully alienated.

Thing which verisimilitudinally without notable deterioration does not endure for three years, as fruits, clothes, singular beasts, etc., c. 10. n. 2. cf 4. n. 1367. 2. Res exiguus valoris respectu possessoris, nam et si non attingeret ad summa ducorum centum, ut dicunt. However, Delbene together with others commonly restrict the sum to 25 scuta, which make up 40 scuta in Roman money; and rightly does Delbene observe that such a matter should be separated from others, so that the price of the whole thing does not exceed the named sum, otherwise the entire estate could be alienated by parts. The Academy, Seminary, Hospital, Confraternity, in such a way should not have been erected by the authority of the Bishop, as Palaus and Delbene limit it at Croix ibid. 4. As to that which is insufficient for the conservation of its revenues, Palaus says that suffices the consent of the Bishop with the chapter. 5.

Si oportet vendere ad solvendum debitum, pro quo creditor urget apud Judicem, Abbas, Quaranta, et Bonasp. apud Croix d. n. 1367. 6. In case of great necessity, which would not permit the expectation of the consent of the Superior, Delbene doubts i. n. 26. and Croix at the same place with Quaranta. Likewise, in a case of notable utility for the Church, if the opportunity should pass while awaiting the expected pontifical consent. Delbene dub. 22. n. 2. et Croix ibid. cum Bald. et alii cum Carden. ibid. But Delbene excuseth Regulars exempted, whom he saith then to be under no obligation to recur to the Bishop. 7.

If good things are denied to those who cannot retain them, Delbene, 8. If a reward is made for some Benefit of the Church by taxation, Note VII. As regards the location of ecclesiastical goods, if the property yields a yearly profit, it cannot be leased for more than three years; but if it yields profit every alternate year, it can be leased for more than six years; and if it yields profit every third year, it can be leased for more than nine years, as Croix states, l. 4, n. 1368. Nevertheless, it is not prohibited that the leasing of fruits continue until the lifetime of the Beneficiary, since the successor is not bound to adhere to such a lease as Croix ibid. with Mol. Paul.

Silo. Abbr. Coo. et Delbene. They, however, attribute it to Filius. They think however.

They think that Lugo. Gutrier. according to Croix l.c., and Delbene considers it probable (contra Wadding) that one can personally obligate

oneself to benefits regarding a specific piece of land anew after three years. Likewise, it can be revoked after two years, but not earlier, LIB. 56. IV, ON PARTICULAR PRECEPTS, CHAP. II. And whereas pious places, which have been erected by the authority of the Bishop, Croix a. cum . ## DUBIUM IV. ## Who is the habit of clerics; what arts, offices, and actions are prohibited to them. 188. To what habit and tonsure are clerics bound? — 189.

Which arts are prohibited to clerics? — 190. Which Offices? — 191. What actions? (V. Not. II, p. 346.) 188. — "Resp. i.

Clerics initiated into greater Orders, or even lesser ones if they have a Benefice, are bound in regard to their habit to wear the clerical tonsure and vestment, which should not be striped, with threads of different colored stripes, nor divided or dissected.* (Regarding the habit and tonsure see what is said about the Sacr. Order, book 6, n. 825.) 189. — "Resp. 2. Regarding the arts, it is prohibited to have interest in the games of butchers, innkeepers, jesters, whose very plays and spear-throwing games are prohibited from having any interest. Item medicorum, aut chirurgorum, ubi opus est incisione, aut ad ustionem; nisi ut habet Naos. towards the poor, or the near ones, or those in need. *(Vide I. 7.

» n. 384. infn. ad V. et n. 385.) * 190. — « Resp. III. Regarding Offices, if they are Beneficiaries or have been initiated into sacred orders, they are prohibited from performing the Office of Judge in cases involving blood; likewise, Advocators, Patrons, Tabellions, or Notaries in secular pleas. What I add is this: because in certain special cases this is permitted; for example, to advocate on behalf of the Church, for closely related individuals and for those who are miserable. The reason being is that a cleric ought not to involve himself in secular affairs. Sayr.

Whoever, however, grants that instruments made by him are valid (Bonac. II. in praec.). » dub. 10. qu. 3. p. 4. . 1. t. 5. c. 8. n. 3.) et notat consuetudinem inductum esse, ut officio cancellarii, consiliarii, imò etiam judicis fungendi possint in causis civilibus. * (An autem clericus possit exercere officium administratoris bonorum, vulgo fattoris? See I. 3. num 838. vers. Very much it matters.) * 191. — « Resp. 4. Regarding actions prohibited by which arms are forbidden to be carried, except on a journey, or entering taverns, or abstaining from noisy hunting; this I add, because hunting without noise for recreation is permitted (Vide said I. 3. n. 606.); birds of prey or hawks are bred for hunting; to play with alethiophores or taxilli; to engage in commerce or business for profit (not however necessity); to cohabit with a woman, unless she be mother, sister, aunt, or such as presents no danger or scandal. 2. c. 5. d. 9. n. 40.

Caj. tamen v. The cleric teaches against the Angians and Nabateans that the transgression of these and similar things is not mortal if there be absent temerity, contumacy, contempt, and scandal. See 5. t. 9. c. 13. » number: 2. and 3. It matters not whether the transgressor be an excommunicand, because this punishment is the sentence to be executed, which the contumacious alone incur after a warning.

What, however, universally. Wherefore he says it to be mortal, if one does not wear the habit, or does not receive the tonsure. That which restricts Bonac. d. 8. de p. ult. n. 8. If they are initiated into greater Orders or have a Benefice, and do not wear the tonsure or long habit for a long time without just cause, then it is said that they commit a mortal sin; he cites in support Royal Decree. However, Syb. and . c. deny this if there is not a notable excess above the custom of the place. To negotiate however is to commit a mortal sin, and this same authority [refers] in Tom. 3, cap. 17, et alii, as common.

But concerning this, see above in book 3, chapter 3, decree 8, on Purchase and Sale. (page 54 et seqq.) ## CHAPTER III. ## ON THE CONDITION AND OFFICE OF SECULAR PERSONS WHO ARE DAMS, AND ESPECIALLY JUDICIAL. ## DOUBT I. ## What is required for a legitimate Judgment? — Response. These three. First is jurisdiction, without which no judgment is valid. * (Unless there be a plausible title and a common error, as commonly.) num. 14. ex l. Barbarius, f. de Officio Prætoris.) et peccatur mortaliter, ut ex S. Th. 2-2, q. 60, habet communis: quare peccat judex secularis, si personas aut causas merè ecclesiasticas ad se trahat; uti et ecclesiasticus, si merè civiles, nisi forte per accidens, ob defectum justitiae in foro seculari, aut nisi sint causæ miserabilium personarum.

Moreover, it is necessary for judges and lawyers to know which causes are merely civil, which ecclesiastical, which mixed; and this can be seen according to 4. c. 3. Card. » De Lugo, d. 27, sect. 3. (V. not. III, pag. 346.) 193. — "Secundum rectum processus. v.g. ut citetur reus" et audiatur, etc., nisi forte expediat aliquando, cum delicta sunt atrocia, in flagranti crimine deprehensos subito pleceri vel in criminibus exceptis communem procedendi modum mutare: nam judici supremo (dummodo crimen sit publicum) aliunde licere sine citatione, defensione, et omni processu reum morti adjudicare, eò quod factum notorium et publicum sit loco accusatorum et testium, neque reo jus defendendi se in judicio relinquat, docent n. 10. in praecept. q. 2. p. 2. n. 5. See also Card.

Lugo d. 37. s. 5. 8. c. 1. d. 13. However, it should be noted that although such crimes are encompassed by the common positive legal disposition

and by the law of the common jurisprudence, not by the law or nature; hence, gravely to sin, is the judge who in such a process, for example, against the sagas, 58 LIB. IV; ON PARTICULAR PRECEPTS, CHAP. II. » whatever he thinks is permissible. See Cautionem criminalem c. 17. 18.

37. and seq. 194. — "Tertium, recta intentio, ut scilicet procedatur ex intentione justitiae. Wherefore, if the judge proceeds from hatred or some other evil intent, for instance, out of vain glory, he will sin, not indeed against justice, but against charity, or some other mortal or venial virtue, according as that final intent will be mortal or venial. Goodness. To. 2. d. 10. q. 2. p. 3. ## DUBIUM II. ## ON THE POWER AND OFFICE OF THE JUDGE. ## ARTICLE I. ## What is Required in a Judge. 198. — « RESP. I.

Besides the three things mentioned in the aforementioned doubt, it is required that the judge possess knowledge which enables him to discharge his office correctly. Thus common, » 10. q. 2. p. 3. The reason is that each one ought to know those things which pertain to his own Office, and without whose knowledge he cannot properly perform his duty and exercise his Office. Hence the following cases are resolved: 1. Seeking or receiving the Office of Judge is the same as with the Physician and Surgeon, as seen below in d. 7; he who is unworthy thereof, so that it is probable that notable harm to the neighbor will follow therefrom, commits a mortal sin.

S. Anton. C. de Lugo. d. 37. Number 1. Page 2. A judge lacking the necessary science ought not to absolve, unless made through renunciation of office, or unless he has a firm purpose of renouncing. Thus in St. Thomas 2. 2. q. 76. a. 2.

Caj. Key. Reg. L. 12. Chapter 13. Number 2. Regin. l. 25. n. 675. Farin. 3. part. q. 3.

Article 16. The reason is that no one can retain the Office whose duties he cannot perform, especially when there is harm or danger to another. If the Judge, through great negligence, renders a bad judgment, he is bound to interest the injured party and to bear the costs of the lawsuit; likewise, whenever notable damage accrues, whether in the substance of the litigation or in superfluous expenses, on account of his culpable ignorance, it is added to the parties; Bonac. Card. Lugo II. c. 8 (Est commune cum n. 58.

Whatever the other jurists may say.) 8 " 4. If the Judge recognizes an

error committed against him (even though without serious fault), in prejudice to the litigant, he is bound, if he can do so without infamy, to prevent the error, for example, by secretly admonishing the injured party, or otherwise consulting with them. Because this pertains to the due execution of office. De Lugo l. c. n. 3. 190. — "Resp. 2. The judge is bound to judge causes, and promptly according to the duty of secular offices.

DUB. II. ARTICLE II. NUMBER 5. To expedite, because it is incumbent upon each to render what belongs to him according to duty; and he does not fulfill this if he delays his decision without just cause. Hence the following cases are resolved: "1."

A mortal judge sins against his office by delaying the expedition of causes with no just cause. Syllable. » v. Judge, q. 12. Key n. 8. n. 14. etc. » with Bon. d. 10. q. 2. p. 3. « 2.

In the case mentioned, the same Judge is bound to compensate the injured party for damages, and for expenses which have arisen from an unjust delay: because it is the cause of their injustice, ibid. Author. II. cc. However, whether a judge can receive money to expedite the cause of one person over another? He says: Chapter 3, Section 5, Treatise 4, Book 4, Article 9. Considering the natural law, one dare not condemn that, because it is a new obligation which he assumes at a price worthy thereof. But more truly they contradict, as cited in n. 66, because the judge is bound by justice to quickly expedite the causes of those who have equal right to expedition unless he undertakes an extraordinary labor, to which he would not be held by virtue of his office. (V.)

Not. IV, page 346.) "3." If the judge in executing the cause and delivering judgment is either negligent or unjust, he does not owe this only to the injured party, but sometimes also to the Treasury; for example, if he remits a pecuniary fine which according to custom or common law ought to be imposed on the defendant without just cause. S. Thom. 2. 2. q. 67. art. 4 ad 3. Syll. v. I. 3. t. 2. c. 5. n. 7. contra. Probabiliter sentiunt Lugo de Contr.

D. 36. n. 97. cum de n. 31 et de n. » 76 cum Ratio, quia ante sententiam nullum jus acquiritur ad poenam; hinc, si judex injustè reum ab- soloit, peccat contra justitiam legalem, non commutativam. However, as to God, Thomas. I. c. speaks only of corporeal punishment, and of damage to the Realm resulting from an unjust remission. See what is said about the Accuser number 237.) (V. Not.

V, p. 346.) ## ARTICLE II. ## What should be observed regarding the Inquisition. 197. In what ways can proceedings be taken against Accused persons? — 198. In what ways can the Judge institute a General Inquisition? And to what purpose do subjects adhere?—199. When the Judge can proceed without an Accuser?—200.

When may the Judge inquire in particular? —201. Many things are to be noted about the judge proceeding through inquiry. 197. — "AGAINST criminals it is possible to proceed in three ways." "1." By the way of accusation, when there is an accuser who pledges himself to have the accused proven. By way of denunciation, when one brings forward a crime, he does not wish to undertake the burden of proof.

Via inquisitionis, qua est 60 LIB. IV. OF PARTICULAR PRECEPTS. CHAP. III. triple. 1.

Generalis, quando de genere quaeritur an leges seriuntur. Specialis, quando de certa persona et certo crimen quaeritur. 3. Mixed [case], when either solely a person or solely a crime is specific, as for example when it is asked who killed Caius. 198. — Resp. 1. Judge without any given occasion, solely on his own office, can institute a general inquiry; yet his power does not extend to eliciting secrets about which there is no rumor. The reason for the former is because that is necessary for the welfare of the Republic and to no one does injury occur.

And although certain crimes may be uncovered by chance, apart from intent, yet the common good prevails for this advantage. The reason for the latter is, because henceforth the greatest inconveniences would follow. Farin. . 2. tr. » 2. dist. 13. Whereupon I resolve: "1." In this Inquisition, even a subject who has been questioned under oath is not bound to, nor can he reveal a hidden criminal: . 3. t. 6. c. 2.

n. 150. cum .) © “ 2. If he reveals such a thing, he sins against justice (unless perhaps it is yielded less in punishment than to ensure the correction of him who has sinned, or to prevent some grave evil from others); for as the crime, as stated, cannot be proven, and consequently nothing can follow from his revelation except infamy, it has no right to be revealed. . et t. 3. p. 2. c. 4. « 3. If by this inquiry, from the revelation of two or three concerning the author of some crime, it is apprehended, then against him can proceedings be taken through such witnesses, as the common practice holds. t. 3. c. 4. n. 12. 199. — Verily, the Judge cannot condemn anyone without an accuser, as commonly held by St. Thomas.

Cajetan et al., with III, C, I, n. 47. » But it is said at times that a virtual accuser suffices, who is deemed to be present. I. When there is a notable presence of the crime such that it cannot be denied with probable doubt; in which case it is said in c. Ad nostram, 2. Of the oath taken by law.

They do not need a manifest accusation, nor is an orderly judicial procedure to be observed in them. See II. When public infamy is judicially accused, even if only by two witnesses; or when there is a clamorous insinuation, that is to say, a rumor from many concerning the crime. This infamy, however, is sufficient merely for inquiring; but whether or not indicia hidden are sufficient for inquiring, namely those known to particular persons, or whether manifest ones are required, that is, known by a greater part of the People or College, or Neighboring district, or greater part of Grave men of that? First hold [or maintain] Soto, according to number 115.

According to them, it is held . 119. with . . III. When a crime is committed before a judge with others present; especially if the judge is actually ministering justice, IV. When the crime is against the Republic or the King, as in the case of heresy or injury to Majesty; when there is a transgression within the Church against ecclesiastical officials; when an effort is made to avoid the election of an unworthy person, or to obstruct a marriage; when the accused has confessed before many people, or judicially before two witnesses; when someone is accused; when there is half-full proof, that is, one witness without any exception greater than himself; when crimes are connected; and when a dead Lord is found (for then inquiry can be made against his servants); when the crime hangs over the future, and when the Fiscal Minister denounces it, as in the Sylo. Saint Augustine, etc., and they say both to be probable, n. 143. In omnibus his casibus potest procedi ad inquirendum sine publica infamia aut rumore, et aliquando etiam ad sententiam.

See and from n. 132. 200. — “Resp. 2. When a crime is manifest and the author is unknown, although the judge may inquire in general who has committed it: "Whether Peter or anyone else has done so, unless some infamy precedes or there are certain indications." The former part is evident; this is manifest both from the practice of the judge, and from the contrary inconveniences. The reason for the subsequent [matter] will be evident from the following. See Bonaventura, Decretum, lib. 10, dist. 8, praecepta, quaestio 2, partibus quinque.

It is commonly held with Bus. that, without any preceding infamy or clamorous insinuation as mentioned above, a judge cannot inquire in particular (although he can do so in general). And then, if a witness is

questioned by him, this person may, nay should, conceal the guilt of the accused, as stated in no. 150 and elsewhere commonly. Si tamen testis sponte reum manifestaret, tunc probabiliter posset Judex per inquisitionem contra reum procedere; ut Sot. secus vero, si Judex notitiam rei a teste injuste extorserit, ut n. 158. cum Nao. 201. — Notandum I., quod Judex procedens per inquisitionem etiam crimine probato poenam diminuere debet; intelligitur hoc tamen de Judice Ecclesiastico, non seculari. Thus n. 158. And it is understood unless the crime be such as to incur irregularities thereby; as Notandum II., that Prelates cannot inquire against Religious in doubt whether there are sufficient indicia, as above regarding inquiry; because in doubt they possess the reputation of them, which would be vitiated by an inquiry; but understand this, unless a danger of common damage looms, for then prevails the right of Religion. Thus Bon. 157.

Note III. that for a special inquiry many things are required: I. Proof of the bodily crime, unless it be a difficult crime to prove. II. Accuser; at least virtual, as stated above no. 199. III.

Proof of place, time, etc. IV. Competent judge. V. That an inquiry be made before twenty years have elapsed from the day of the crime. See these and others at no. 159.

Note IV. that the process through Inquisition (even in cases of Religious) must be conducted thus; I. It must be chosen from 1. To fulfill the law pursuant to which L. 13.2.19 is applied and the Bank 2. L. 13.2.19 and the Ban. 3. L. 13.2.19 e alla Ban. 4.

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L. 13.2.19 and to the Ban. 580. L. 13.2.19 and to the Ban. 581. L. 13.2.19 and to the Ban. 582. L. 13.2.19 and to Ban. 583. L. 13.2.19 e alla plus quam probabilem; qualia habentur, v.g., testis unus omni exceptione major, Rei confessio extra judicium, item probabi liter etiam assertio duorum, vel trium criminis sociorum in criminibus exceptis, praeterquam venefici (in quo an ex sola denuntiatione complicum, et quomodo procedere liceat, vide d. 4. de Just. d. 2. et 3. . 3. t. 6. c. 5.); item fama

publica a viris honestis orta, ac per testes probata; cum alterius judicii adminiculo (nam fama sola non probat, sed habet se instar accusatoris) . 3. t. 6. c. 5. n. q. ex variis. Ratio responsi est, quia tortura instituta est ad subsidium probationis, quando argumenta et indicia sunt valde efficacia, ut sic plena probatio eliciatur: nam confessio rei (si eam ratificet extra torturam, mancatque in ea usque ad sequentem diem) ex semiplena probatione facit plenam. . 2. c. 29. d. 18.

Delr. l. 5. s. 3. . c. - Dixi in responsione, si tamen torqueri potest, quia quaedam personae prohibentur torqueri, nisi in criminibus exceptis: tales sunt viri in magna dignitate constitui, officiales principum, urbium gubernatores, nobiles equitatis ordinis, milites, doctores, eorumque liberi, item impubes, senes, memoria vacillantes, praegnantes, et nondum confirmatae ex partu. Delr. - s. q. de Lugdunensi d. 37. s. 14. ## Unde resolves: • 1. The judge sins gravely if he does not first try all other milder means for the delivery of truth, and descends to torture. • 2. Torture simply must be avoided when there is full proof of the crime, because torture is ordered to this [purpose]. No. . c. • 3.

Insufficiencies indicating torture are: if the cadaver of one killed bleeds in the presence of someone, if sawdust cannot weep. Likewise, proof by means of waters is illicit, etc., concerning which see Del. l. 5. 156. 8. c. 1. d. 21. 4. Judges who sin, when in criminal cases or those notable for infamy, having apprehended a suspect, before they have evidence against him, adjure him by an oath to speak the truth concerning all matters pertinent to the cause on account of which he has been apprehended. n. 41. et c. 25. n. 36. Idem addit esse, si (cumque sine juramento), minus tamen, hominem turbent et implicent terroribus et tormentorum ostensione, ut quidquid circumspecti a se revelaverit contra ipsum convictus et puniatur. See Cardinal de Lugo. Treatise 40, Note 1. • 5.

If the Judge has extorted a confession through injury, for example, if he has extorted confessions from those who are exempt, if without sufficient evidence, by malice, lies, or by promising fictitious impunity, he has induced someone to confess or otherwise (whether in substance or in manner) notably exceeded in torture, the confession is null, and no judgment can proceed therefrom: rather, the Judge is bound to compensation for damages. IV. OF PARTICULAR PRECEPTS. CHAP. II. Above Secretary of the Acts.

II. They are to be examined through distinct articles, with a preface of an oath. III. If from witnesses no full proof is obtained, a defendant cannot yet be legitimately interrogated; and if he is interrogated, he himself is bound to respond, unless (as Demum says), if the defendant confesses the crime,

proceedings are taken to judgment; but if not, proceedings are taken to convince him, or to torture him, if he is very strongly suspected of the crime. These, and other matters, are found at c. 1. ex n. 167. "Resp. 3.

That the Judge may make a special inquiry, it ought at least to precede regularly infamous punishment or something equivalent, which may give just cause. The reason is, first because otherwise it would defame without cause; secondly because a judge ought to proceed from public knowledge, which he does not have except through accusation, or confession of the person, or by evidence of fact, or through infamy; to which two witnesses who swear that they saw the crime are insufficient, since it is still hidden: but it is required that there be a rumor spread over the greater part of the community, that is, the city, neighborhood, or monastery, and not originated from malicious persons, although in this matter it is safe to follow the common practice of good men and of the republic, as it has. Hence resolves the case: "1." Antequam Judex procedat ad inquisitionem specialem vi infamiae, ipsa infamia priùs examinari debet, et probari per testes, saltem per duos, qui nominent personas à quibus id publicè audiverint. Nowar. Ashes. Of Judge. 8. c. 1. d. 17. « 2.

The judge accused of one crime, for example adultery, cannot interrogate about another crime of which he is not accused, for example theft; because it would be a special inquiry without previous accusation; Salon. Caj. Unless, however, crimes are connected, or one is a circumstance of the other. Ibid., and P. Cons., lib. 6, c. 3, d. 21. I have said in reply. Regularly, because for a special inquisition prior infamy is not required in certain cases, which see at . 2. c. 29. d. 15. Bon. tom. 2. d. 10. p. 5. . p. cons. l. 6. d. 19. . c. ## ARTICULUS TERTIUS. ## What is permissible for a judge regarding questions, or torture. 202.

What are required, so that it may be proceeded to torture the Accused? — 203. Until when may the Accused be tortured? — 204. Can one who has once been twisted be twisted again? VI, p. 347.) 202. — "RESP. 1. To convict a defendant (if indeed he can be convicted) is required some grave crime's certain evidence at least which makes full proof, that is, which renders the matter more than probable; such as are found, for example, one witness without any exception greater, confession of the accused outside of judgment, also probable and even assertion of two or three criminals' accomplices in crimes excepted, namely those not involving poisoning (in which case it may be from mere denunciation of accomplices how to proceed is seen d. 4. de Just. d. 2. et 3. . 3. t. 6. c. 5.), also public fame arising from honest men and proved by witnesses; with help of another judgment (for alone public fame does not prove, but stands as an accuser) . 3. t. 6. c. 5. n. q. ex variis.

The reason for the response is that torture has been instituted for the assistance of proof, when arguments and indications are very efficacious, so that thereby full proof may be elicited: for confession of the crime (if it be ratified outside of torture and remains in it until the following day) makes semiplenam proof into plenam. d. 18. Delr. l. 5. s. 3. . c. • I have said in the response, provided that they can be tortured, because certain persons are prohibited from being tortured except in cases exempted: such as men in high office, officers of princes, governors of cities, knights of the equestrian order, soldiers, doctors, and their freeborn children, also minors, the elderly, those with failing memory, pregnant women, and those not yet fully recovered from childbirth. Delr. s. 9. de Lug. d. 37. s. 14. ## Hence the resolution: « 1. The judge sins gravely if he does not first try all other milder means for the vindication of truth, rather than descending to torture.

Torture simply must be avoided when there is full proof of the crime, because torture is ordered to this [purpose]. No. ». c. « 3. The insufficiencies regarding torture are indicated as follows: if a dead body bleeds in the presence of someone, if stakes cannot weep tears. It is likewise illicit to prove by means of water, etc., concerning which see Del. l.

» 5. . 156. . 8. c. 1. d. 21. 4. Judges who sin, « those in criminal cases or notable cases of infamy, having apprehended a defendant, before they have evidence against him, « bind him by an oath to speak the truth concerning all matters pertaining to the cause for which he has been apprehended. » n. 41. et c. 25. n. 36. The same is also added, namely, if (even without an oath), by means of threats, by displaying instruments of torture, and by stirring fear in a man, they induce him to reveal some circumstance contrary to his will, whereby he may be convicted and punished. See Cardinal de Lugo. d. 40. n. 1. "5." If the Judge has extorted a confession through injury, for example, if he has extorted confessions from those who are exempt, if without sufficient evidence, if by malice, by lies, or by promising fictitious impunity, induced them to make a false declaration, or otherwise (whether as regards substance or manner) notably exceeded in torture, the confession is null, and nothing can proceed from it: on the contrary, the Judge is bound to compensation for damages.

BOOK IV , ON THE PARTICULAR PRECEPTS, CHAP. II. nor of precepts, as C. de Lugo teaches, d. 3, s. 14, n. 157. V. d. 18. . 3. t. 6. c. 5. ubi etiam dolos bonos, quos d. 2

» "6." Though after a day or two the accused has ratified an unjustly extorted confession, nevertheless the Judge cannot proceed to punishment of the thing itself or of a hidden accomplice: because, when the confession is invalid, even its ratification arising therefrom is invalid according to the last law of the Institutes. and so even if the knowledge was obtained through that means unjustly. Sayr. . c. disp. 10. 203. — « Resp. 2. It can be more severely tortured against whom there are graver indications, yet not so severely that it is morally impossible to endure torments in accordance with the reason of persons.

Wherefore if this be exceeded, a confession extorted will be involuntary, and must be held as null; even though it be confirmed outside of torments in the presence of the judge through fear of new tortures. n. 11. 204. — « Resp. 3. Once tormented, if there is nothing further confessed a second time, he should not complain, unless new indications of crime supervene: because by torture previous admissions are elicited. If however a crime has been elicited through torture, it can be revoked before the Judge outside of that torture; then it can be repeated by torture: firstly because the evidence remains potent, and secondly because of the inconstancy [of the accused]. If, however, a third time he is tortured and confesses a third time but retracts that confession, he must be absolved: because it must be presumed that the confession was coerced by the force of torture, and therefore it counts for nothing. d. 7. Some receive that if grave indicia be present, which seem to warrant a violent presumption, the crime may maliciously be denied by the accused. . c. V.

Card. de Lug. d. 37. n. 157. tr. 6. R. 16. et. 23. . c. Vide infra hic d. 6. et 7. When, and how, the Judge can question the defendant about accomplices. See . 18. c. 1. d. 22. ## ARTICLE IV. ## What is to be observed by the Judge regarding the sentence and the penalty. 205. When, however, can the inferior judge mitigate or reduce the penalty?

What if the Judge be supreme? — 206. Can the Judge judge in a case where there was an Advocate? — 207. Can one condemn a guilty person who is legally innocent? — 208. What if he knows it to be innocent, and yet it has been proven guilty? — 209. What is the Judge to do if both sentences are equally probable? — 210.

Multiple things are to be noted on this matter. — 211. Whether it is licit for the Judge to accept gifts from the Litigants? — 212. May those who give gifts to the Judge sin, or to his Ministers? — 213. With what penalties is the judge to be punished for bringing a sentence through unjust gifts? — 214. To what end is the Judge held responsible for rendering an unjust sentence? — 215.

Does an unjust sentence oblige in conscience? — 216. To what end is the judge bound who has received gifts? — 217. What can Commissioners or Executors receive? — « RESP. 1. » The judge ought to judge according to the laws. Whereby a lower ordinary judge cannot: relax or mitigate the penalty, even if the plaintiff consents, sometimes for the good of the Republic.

» It would dictate equity that something else is necessary; or unless the injury of the actor pertains solely to a private matter; S. Th. 2. 2. q. 65. art. 5. King. » l. 25, n. 634, l. 8, c. 1, d. 12, 6 (Vel nisi justè » interpretetur Judex voluntatem Superioris; vel nisi adsit alia » justa causa, v.g., si ex diminutione poenæ speretur correctio: » vel si reus sponte fateatur crimen, etc. Vide n. 31.) 6 Dixi, inferior, quia supremus ob justam causam 6 (Putà, » si reus sit benemeritus, vel sit occasio publico lætitio, etc. (Ex- » cipe, si reus sit nocious Reipublicæ) S. Thom. cum » . n. 29.) 6 id potest: sine tamen causa graviter pec- » caret, secundùm Caj. verbo Judex, quia animaret delinquen- » tes, et concurreret ad peccatum. Moreover, is it permissible to intercede with the Judge for the release of the thing? See Bon. l. c. f. 6 ( ).

Not. Volume VII, page 437.) 6 208. — "Resp. 2. If there was an Advocate in some cause, he cannot be Judge in the same and render a verdict, let alone proceed according to principles. C. concerning appeals and excepting books on jurisdiction because his judgment is considered suspect on account of an affection towards one party, as common law teaches in c. 26 (and adds n. 3). » The sentence cannot be valid, which nonetheless others deny, if it is made by an ordinary judge) C de Lugo de just. d. 41. l. 1. n. 4.

See also t. 5. misc. R. 56. where from Corduba he feels such a Judge not to sin in conscience, if without affection according to the laws, unaware of the other part, judge. 207. — « Resp. 3. Whoever the judge with private knowledge knows to be guilty, if he has been juridically declared innocent, cannot condemn him: because he judges as a public person, therefore he ought to follow public knowledge and proceed according to alleged and proven matters, especially in favor thereof says S. Th. 2. 2. qu. 67. Caj. Fill. 10. q. 2. pag. 2. 208. — Resp. 4.

Whoever the judge privately knows to be innocent, if he has been juridically proven guilty, is bound in every way to liberate him if he can, for example, by preventing accusation, removing judgment, opening the prison (if without greater harm), or remitting the cause to a Superior: and if thus nothing can be achieved, most Doctors, including St. Thomas in the

aforementioned place 6 (Cum . Vasq, et . 25. de V. n. 29.), hold this with probability for the reason given above, that he might condemn; yet it seems more true otherwise, as they teach together with others in 2. c. 29. d. 10. Therefore, verb. Judge. Petri. q. 2. p. 2. n. 2. it would be fitting to compel a woman to dine with him whom the Judge privately knows not to be her husband: Thus explained p. 499. from n. 668.

» with Anacl. . 2. chapter 29. note 78. likewise . » Panorm. Host at the same place number 27. » (V. Cardinal de Lugo, d. 37, s. 14: Because directly to kill an innocent person is intrinsically evil; therefore, whenever it is known that someone is innocent, a sin will have been committed. However, in civil and lesser criminal cases where only money penalties are at issue, the judge can proceed simply according to the alleged and proven facts, according to these authors, because through appeal the innocent can be restored to their integrity; moreover, because the republic has the power for the good of its citizens when public interest requires it, so that in this case the form of public judgments does not fall into the scandal of the people. • (With Lugo, n. 28.

Both these opinions are worthy of approval. See n. 8. Bonac. l. c. n. 4. 209. — " Quæris I. What is to be done by the judge when there are both probable opinions in a question of law, for instance, whether an inheritance should be divided less solemnly according to testament? Answer. It should pronounce the sentence according to the more probable opinion of law, at least if the Supreme Judge so decides. Neither then should it be held to be sufficient for him to satisfy scientific opinion, if he adjudicates in favor of the party who defends his cause probabily, even though another is more probable.

The reason is because the judge is constituted so that according to the merits of the cause and the sentence which seems most consonant with reason he may decide the cause; otherwise he would be an acceptor of persons. I said if supreme: for if some sentence is commonly accepted in a higher tribunal, the lower judge seems able to judge according to it, although less probable, because he sees the more probable one as being revocable with prejudice to his honor in a higher tribunal. l. 1. t. 1. c. 5. §. 3. n. 16. ex tamen C. de Lugo. d. 37. s. io. Herein is warned this Proposition 2, condemned by Innocent. XI which he said: "I consider it probable that the Judge can judge according to even a less probable opinion." The reason for the condemnation is that the Judge is constituted with the Republic in this manner, so as to render to each one his own right, and indeed he has a greater right who receives the more probable opinion in favor. But note the Doctors.

I. Ratio damnationis est, quia Judex à Republica cum hoc pacto constituitur, ut unicuique jus suum tribuat, et quidem jus majus habet is, cui probabilior opinio favet. That attention must be given to that opinion which is more probable according to the cited and proven evidence. Hence they say that the Judge cannot open to another party what he himself could allege for himself; because this would be to act in the capacity of Advocate, which is not permitted to the Judge. Thus n. 40. with Vasq. the preceding sentence. with Tap. and others cited. It is asked however this I.

In cases of civil matters, whether a judge can render a sentence in favor of one party for whom he has preferred the probability? Si in equali probabilitate facti jus æquè faveat partibus, communiter dicunt DD: tunc omnino rem esse dividendam. Thus Lugo decides justly. D. 37. n. 115. l. 2. D. 41. n. 16. 1: tr. 1.

D. 2. p. 10. n. 2. with contrary to a few. A doubt arises when, under the opinion, it is unclear to which party's right it is more favorable? The first opinion holds that in such a case the judge can adjudicate the matter according to his will, because since both parties then have an equal right based on probable and diverse opinions from D D., the judge can conform himself to one of those opinions, and thus he does not inflict any injury upon either party. Thus Lugo l.c., Sanchez no. 45, when he calls it common (but immorally, as we shall see). The second opinion, which they consider more probable, Salamati tractatus 29, caput 1, nota 42, with Prado, 15. Question 2, chapter 1, question 9, and Analecta tractatus 1.

D. 3. §. 3. n. 62. teaches still in that case that the matter is to be divided. Reason, because the Judge is not the lord of things, but a distributor according to the laws of the parties; and therefore, if the laws are equal, he should divide among them equally. Since however the law favors the possessor more in all other respects, therefore exception I is admitted. If such a case occurs, wherein proofs are equal, and on both sides there are opinions equally probable, one part in good faith possesses; for then themselves ought to be favored, as rightly they say, c. et Sporer de Conc. l. n. 69. and it is proven from the Decretals of Litteris de Probat. Where it is said that if the witnesses of both parties are equally fit, preference is given to the witnesses of the possessor.

It is excluded the second. If it concerns causes such as marriage, dower, widowhood, minority, and other holy causes, then for those to be judged, since the laws are equal, even if they are plaintiffs, etc. Otherwise, however, if the opposite party has rather more right, according to the book. If the party is concerned with causes criminal, especially capital crimes, then it must absolutely judge for the defendant, even if there

stands an opinion less probable in his favor. Reason, because no one is to be condemned unless it be certain of his crime, according to the law. If absent, ff. de Panis, and lib.

Let them know. S. de Prob. ubi ad proferendam sententiam sanguinis probationes debent esse lucernas clariores. And they say that this was the mind of the Pontiff when he condemned the aforementioned Proposition 2. Figuera et alii apud Question NoneII.

In matters of civil causes, should the judge rule against the legitimate possessor if he favors the more probable opinion of the Actor? It is certain that if the reasons are equal, it should be judged for the legitimate possessor, as is proven in lib. 2. D. 42. n. 12. with Soto, Coo. Sifo. Mol. et aliis immumeris, reg. 65. de Reg. jur. in 6. ubi dicitur: In equali delicto vel causa potior est conditio possidentis.

Reason, because although in doubt the law is equal as regards property, nevertheless the law favors the possessor, who is certain regarding the possession of the right. It is certain that in a doubt concerning possession and property, judgment should be given for him who has more probable reasons; this is evident from proposition 2 condemned by Innocent. XI which said: "I consider it probable to judge according to the opinion even a less probable one." Reason, because the judge is constituted by the Republic, that each may receive his own right according to the merits of the cause; hence he himself ought to adjudicate in favor of him who has a better claim for justice on his side. See 1. c. 9. n. 47.

Lugo D. 37. n. 5. 58 LIB. IV; ON SPECIFIC PRECEPTS, CHAP. II. "Anything thinks to be permitted." See Cautionem criminalem c. 17. 18. 37. and seq. 194. — "Thirdly, the right intention, so that one proceeds from the intention of justice."

Wherefore, if the judge proceeds from hatred or some other evil intent, for instance out of vain glory, he will sin, not indeed against justice, but against charity, or some other mortal or venial virtue, according as that final intent will be mortal or venial. Bonac. To. 2. d. 10. q. 2. p. 3. ## DUBIUM II. ## ON THE POWER AND OFFICE OF JUDICIAL AUTHORITY. ## ARTICLE I. ## What is Required in a Judge. 195. — « RESP. I. Besides the three things mentioned in the aforementioned doubt, it is required knowledge whereby one may know how to rightly discharge his office.

Thus common, » 10. q. 2. p. 3. The reason is that each one ought to know those things which pertain to his own Office, and without whose

knowledge he cannot properly perform his duty and exercise his Office. Hence the following cases are resolved: 1. Seeking or receiving the Office of Judge is the same as with the Physician and Surgeon, as seen below in d. 7; he who is unworthy thereof, so that it is probable that notable harm to the neighbor will follow therefrom, commits a mortal sin. S. Anton.

C. de Lugo. d. 37. Number 1. Page 2. A judge lacking the necessary science ought not to absolve, unless made through renunciation of office, or unless he has a firm purpose of renouncing. Thus in St. Thomas 2. 2. q. 76. a. 2. Caj.

Key. Reg. L. 12. Chapter 13. Number 2. Regin. l. 25. n. 675. Farin. 3. part. q. 3. Article 16.

The reason is that no one can retain the Office whose duties he cannot perform, especially when there is harm or danger to another. If the Judge, through great negligence, renders a bad judgment, he is bound to interest the injured party and to bear the costs of the lawsuit; likewise, whenever notable damage accrues, whether in the substance of the litigation or in superfluous expenses, on account of his culpable ignorance, it is added to the parties; Bonac. Card. Lugo ll. cc. * (It is common with n. 58. Whatever the other jurists may say.) * "4.

If the Judge recognizes an error committed against him (even though without grave culpa), in prejudice to the litigant, he is bound, if he can do so without infamy, to prevent the error, for example, by secretly admonishing the injured party, or otherwise consulting with her. Because this pertains to the due execution of the office. De Lugo l. c. n. 3. 196. — "Resp. 2. The judge is bound to judge causes, and promptly concerning the duties of secular office. DUB.

II. ARTICLE II. 5g » to expedite, because it is incumbent upon each one to render his own according to duty; and he does not fulfill this if he delays judgment without just cause. Hence the following cases are resolved: "1." A mortal judge sins against his office by delaying with very notable differral of cause-expeditionation, without just cause. Syllable.

» v. Judge, q. 12. Clause n. 8. n. 14. etc. » with Bon. d. 10. q. 2. p. 3. « 2. In the case mentioned, the same Judge is bound to award to the injured party damages, and the expenses which have arisen from an unjust delay: because it is the cause of their injustice, ibid. Author.

II. cc. However, whether a judge can receive money to expedite the cause

of one person over another? He says: Chapter 3, Section 5, Treatise 4, Book 4, Article 9. Considering the natural law, one dare not condemn that, because it is a new obligation which he assumes at a price worthy thereof. But more truly they contradict, as cited in n. 66, because the judge is bound by justice to quickly expedite the causes of those who have equal right to expedition unless he undertakes an extraordinary labor, to which he would not be held by virtue of his office. (V.) Not. IV, page 346.) "3."

If the judge in executing the cause and delivering judgment is either negligent or unjust, he does not owe this debt solely to the injured party; but sometimes also to the Fisc; for example, if he remits a large sum of money which according to custom or common law ought to be imposed on the defendant without cause. St. Thomas 2. 2. q. 67. art. 4 ad 3. Syol. v. . 1. 3. t. 2. c. 5. n. 7. contra Axor. 8 (Et cum Axor. probabiliter sentiunt Lugo de Contr. D. 36. n. 97. cum » de n. 31. et de n. » 76 cum Ratio, quia ante sententiam nullum jus acquiritur ad poenam; hic, si judex injuste reum ab- soloit, peccat contra justitiam legalem, non commutativam. However, Thomas speaks in his First Book solely of corporeal punishment, and of the damage to the Realm that will ensue from an unjust remission.

See what is said concerning the Accuser number 237.) (V. Not. V, p. 346.) ## ARTICLE II. ## What should be observed regarding the Inquisition. 197. In what ways can proceedings be taken against Accused persons? — 198. In what ways can the Judge institute a General Inquisition?

And to what purpose do subjects adhere?—199. When the Judge can proceed without an Accuser?—200. When may the Judge inquire in particular? —201. Many things are to be noted about the judge proceeding through inquiry. 197. — "AGAINST criminals it is possible to proceed in three ways." "1."

By the way of accusation, when there is an accuser who promises to produce the accused for trial. By way of denunciation, when one brings forth a crime and does not wish to undertake the burden of proof. 3. Via inquisitionis, quae est 60 LIB. IV. OF PARTICULAR PRECEPTS.

CHAP. III. triple. 1. Generalis, quando de genere quaeritur an leges seriuntur. Specialis, quando de certa persona et certo crimen quaeritur. 3. Mixed [case], when either solely a particular person or solely a particular crime is involved, as for example when it is asked who killed Caius. 198. — Resp. i.

Judge without any given occasion, solely on the basis of his own office,

can institute a general inquiry; yet his power does not extend to eliciting secrets about which there is no rumor. The reason for the former is that it is necessary for the State, and no one suffers an injury thereby. And although certain crimes may be uncovered by chance, apart from intent, yet the common good prevails for this advantage. The reason for the latter is, because henceforth the greatest inconveniences would follow. Farin. . 2, tr. » 28. dist. 13.

Wherefore he resolves: "1." In this Inquisition, even though a subject is asked and bound by oath, he is not bound, nor indeed can he betray a hidden criminal: . 3. t. 6. c. 2. n. 150. cum .) « 2. If he reveals such a thing, he sins against justice (unless perhaps he yields more in abatement for the penance of him who has sinned than to secure his own certain amendment, or to avert some grave evil from others): for as it is stated that the crime cannot be proven, and consequently nothing can follow from his revelation except infamy; hence he has no right to reveal. . et t. 3. p. 2. c. 4. « 3. If by this inquiry, from the revelation of two or three, the author of some crime is apprehended, it can proceed against him through such witnesses according to common practice.

t. 3. c. 4. n. 12. 199. — Verily, the Judge cannot condemn anyone without an accuser, as commonly held by St. Thomas. Cajetan et al., with III, C, I, n. 47. » But it is said at times that a virtual accuser suffices, who is deemed to be present. I.

When there is a notable presence of the crime such that it cannot be denied with probable doubt; in which case it is said in c. Ad nostram, 2. Of the Juror. They do not need a manifest accusation, nor is an orderly judicial process to be observed in them. See II. When public infamy is judicially accused, even if only through the testimony of two witnesses; or through a clamorous insinuation, that is, the rumor of many concerning the crime.

This infamy, however, suffices merely for inquiry; but whether indicia hidden suffice for inquiry, namely those known to particular persons, or whether manifest ones are required, that is, known by a greater part of the People or College, or neighborhood, or greater part of grave men of that, this remains to be seen. First hold the Sot. Axor. . n. 115. According to them, 119. with . . III. When a crime is committed in the presence of a judge with others present; especially if the judge is actually ministering justice, IV.

When the crime is against the Republic or the King, as in the case of heresy or treason; when it is investigated within the Church concerning

ecclesiastical persons; when it aims to avoid the election of an unworthy person, or to obstruct a marriage; when the accused has confessed before many people, or judicially before two witnesses; when someone is accused; when there is a semi-full proof, that is, one witness greater than all exceptions; when crimes are connected; and when a dead body of the Lord is found (for then inquiry can be made against his servants); when the crime hangs over the future, and when the Fiscal Minister denounces it, as in a syllabus. Saint Augustine, etc., and they say that both are probable, n. 143. In omnibus his casibus potest procedi ad inquirendum sine publica infamia aut rumore, et aliquando etiam ad sententiam. See and from n. 132. 200. — "Resp. 2. When a crime is manifest and the author is unknown, although the judge may inquire in general who has committed it; (Thus... n. 144. against g. An. Petrus, unless some infamy or indications have preceded.)

The former part is evident; this is manifest both from the practice of the judge, and from contrary inconveniences. The reason for the subsequent [thing] will be evident from the following. See Bonaventura, Decretum, lib. 10, dist. 8, praecepta, quaestio 2, partibus quinque. It is commonly held with Bus. that, without any preceding infamy or clamorous insinuation as mentioned above, a judge cannot inquire in particular (although he can do so in general). And then, if a witness is questioned by him, this person may, nay should, conceal the guilt of the accused, as stated in no. 150 and elsewhere commonly. Si tamen testis sponte reum manifestaret, tunc probabiliter posset Judex per inquisitionem contra reum procedere; ut Sot. secus vero, si Judex notitiam rei a teste injuste extorserit, ut n. 158. cum et communi. 201. — Notandum I., quod Judex procedens per inquisitionem etiam crimine probato poenam diminuere debet; intelligitur hoc tamen de Judice Ecclesiastico, non seculari.

Thus n. 158. And it is understood unless the crime be such that through it an irregularity would incur; as Notandum II., which states that Prelates cannot inquire in doubt concerning whether there are sufficient indicia against Religious for prosecution; because in doubt they possess a reputation of theirs, which would be destroyed by inquiry; but understand this, unless imminent danger of common damage looms; for then prevails the law of Religion. Thus Bon. 157. Note III. that for a special inquiry many things are required: I. Proof of the bodily crime, unless it be a difficult crime to prove.

II. Accuser; at least virtual, as stated above no. 109. III. Proof of place, time, etc. IV. Competent judge.

V. That the inquiry be made by the judge before twenty years have passed

from the day of the crime. See these and others at no. 159. Note IV. that the process through Inquisition (even in cases of Religious) must be conducted thus; I. It must be chosen from § 62 LIB.

IV. OF PARTICULAR PRECEPTS. CHAP. II. Above secretary of the acts. II.

They are to be examined through distinct articles, provided with a vow. III. If from witnesses no full proof is obtained, a defendant cannot yet be legitimately interrogated; and if he is interrogated, he himself is bound to respond, unless (as Demum says), if the defendant confesses the crime, proceedings are taken to judgment; but if not, proceedings are taken to convince him, or to torture him, if he is very strongly suspected of the crime. These, and other matters are found at c. 1. ex n. 167. "Resp. 3. That the Judge may make a special inquiry, it ought at least to precede regularly the infamy, or something equivalent thereto, which may justly give cause.

The reason is, first, lest he defame without cause; secondly, because the Judge should proceed ex publica scientia, which he does not have unless by accusation or confession, or by evidence of fact, or through infamy; to which two witnesses who swear that they saw the crime are insufficient, since it is still occult: but it is required that there be a rumor spread over the greater part of the Community, that is, the City, Vicinage, or Monastery, and not from calumnies, although in this matter it is safe to follow the common practice of good men and of the Republic, as it has. Hence resolves the Case: « 1. Antequam Judex procedat ad inquisitionem specialem vi infamiae, ipsa infamia prius examinari debet, et probari per testes, saltem per duos, qui nominent personas à quibus id publicè audiverint. Nowar. Ruf. de Judicando . 8. c. 1. d. 17. « 2. The judge who has been infamed concerning one crime, for example adultery, cannot interrogate about another thing from which he is not infamed, for example theft; because it would be a special inquiry without previous infamy.

Caj. unless, however, the crimes are connected, or one is a circumstance of the other. Ibid. and p. cons. l. I have spoken in response. Regularly, because for certain specified cases, no previous infamy is required for a special inquiry; see at . 2. c. 29. d. 15. Bon. tom. 2. d. 10. p. 5. cons. l. 6. d. 19. c. ARTICULUS III. What is permissible for a judge regarding questions or torture. 202.

What are required, so that it may be proceeded to torture the Accused? — 203. Until when may the Accused be tortured? — 204. Can one who has once been twisted be twisted again? VI, p. 347.) 202. — "RESP. 1. To convict a defendant (if indeed he can be convicted) is required some grave

crime's certain proofs at least which make full proof, that is, render the matter more than probable; such as are found, for example, a single witness without any exception, extra-judicial confession of the accused, also probable and even assertion of two or three criminals' accomplices in crimes excepted, besides poisoning (in which case whether from mere informers' denunciation and how to proceed is seen d.4. de Just. d. 2. et 3. . 3. t. 6. c. 5.), also public fame arising from honest men and proved by witnesses; with help of another judgment (for alone, fame does not prove but stands as an accuser) . 3. t. 6. c. 5. n. 9. ex variis.

The reason for the response is that torture has been instituted for the assistance of proof, when arguments and indicia are very efficacious, so that thereby full proof may be elicited: for confession of the crime (if it be ratified outside of torture and remain in it until the following day) makes semiplena probationem into plenam. d. 18. Delr. l. 5. s. 3. . c. I have said in the response, provided that one can be tortured, because certain persons are prohibited from being tortured except in cases excluded: such as men appointed to great dignity, officials of princes, governors of cities, knights of the equestrian order, soldiers, doctors, and their freeborn children, also minors, the elderly, those with failing memory, pregnant women, and those not yet fully recovered from childbirth. Delr. l. 5. s. 3.

Wherefore it is resolved: "1." The judge sins gravely if he does not first seek all other more grievous means to be discovered by truth rather than descending to torture. Torture simply must be avoided when there is full proof of the crime, because torture is ordered to this [purpose]. No. ». c. « 3.

The insufficiencies regarding torture are indicated as follows: if a dead body bleeds in the presence of someone, if saplings cannot weep. It is likewise illicit evidence by water, and so forth, about which see Del. l. » 5. . 156. . 8. c. 1. d. 21. 4. Judges who sin, « those in criminal cases or notable cases of infamy, having apprehended a defendant, before they have evidence against him, « bind him by an oath to speak the truth concerning all matters pertaining to the cause for which he has been apprehended. n. 41. and c. 25. n. 36. » The same is also added, namely, that if (even without an oath), by means of threats, the display of torments, and disturbance, they cause a man to be implicated, so that he reveals some circumstance in contradiction to himself, thereby being convicted and punished.

See Cardinal de Lugo. d. 40. n. 1. "5." If the Judge has extorted a confession through injury, for example, if he has extorted confessions from those who are exempt, if without sufficient evidence, by malice, by lies, or

by promising fictitious impunity, induced them to make a declaration, or otherwise (whether as regards substance or manner) notably exceeded in torture, the confession is null, and nothing can proceed from it: indeed, the Judge is bound to compensation for damages. IV, ON THE PARTICULAR PRECEPTS, CHAP. II. "nor of precepts, as C. de Lugo teaches, d. 37, s. 14, n. 157." V.

d. 18. . 3. t. 6. c. 5. ubi etiam dolos bonos, quos d. 2. » 6. It is permissible for the accused to ratify a confession unjustly extorted the day after; nevertheless, the Judge cannot proceed to punishment of the thing or of an accomplice in secret: because, since the confession has been rendered invalid, its very ratification therefrom, according to the last law of the Codex on Matters. » and yet even if the knowledge was obtained through that means unjustly. Sayr. . c. disp. 10. 203. — « Resp. 2.

It can be more severely tortured against whom there are graver indications, yet not so severely that it is morally impossible to endure torments in accordance with the reason of persons. Wherefore if this be exceeded, a confession extorted will be involuntary, and must be held as null; even though it be ratified outside of torments in the presence of the judge through fear of new tortures. n. 11. 204. — « Resp. 3. If one has been tortured, if he has nothing to confess again, he should not be accused of tormenting anew, unless new indications of crime supervene; because by torture prior ones are elicited. If however a crime has been elicited by torture, it can be revoked before the judge outside of that torture; nevertheless, it may be repeated: firstly because the evidence remains potent, and secondly because of the instability [or inconstancy]. If, however, a third torture is inflicted and the accused has confessed a third time but then retracts that confession, he must be absolved: because it must be presumed that the confession was coerced by the force of the torments, and therefore it counts for nothing. d. 7.

Some receive that if grave indicia be present, which bear witness to a violent presumption, the crime may maliciously be denied by the accused. . c. V. Card. de Lug. d. 37. n. 157. tr. 6. R. 16. et. 23. . c. Vide infra hoc de d. 6. et 7. When, and how, the Judge can question the accused regarding accomplices. See . 18. c. 1. d. 22. ## ARTICLE IV. ## What is to be observed by the Judge regarding the sentence and the penalty. 208.

When, however, may the inferior judge mitigate or reduce the penalty? What if the Judge be supreme? — 206. Can the Judge judge in a case where there was an Advocate? — 207. Can one condemn a guilty person who is justly innocent? — 208. What if it knows the one to be innocent, and yet the accused is proven guilty? — 209.

What is the Judge to do if there are equally probable grounds for both condemnation and acquittal? — 210. Multiple things are to be noted on this matter. — 211. Whether it is licit for the Judge to accept gifts from the Litigants? — 212. May those who give gifts to the Judge sin, or to his Ministers? — 213. By what penalties is the judge to be punished who brings a sentence while bearing an unjust gift? — 214.

To what is the Judge bound who pronounces an unjust sentence? — 215. Does an unjust sentence oblige in conscience? — 216. To what end is the judge bound who has received gifts? — 217. What can the Commissioners or Executors receive? — « RESP. 1. » The judge ought to judge according to the laws.

Whereby a lower ordinary judge cannot relax or mitigate the penalty, even if the party consents, although equity might sometimes dictate that something else is necessary for the good of the State or some other public necessity; or unless the matter concerns only private injury to the actor. S. Th. 2. 2. q. 65. art. 5. Reg. 1. 25. n. 634. 1. 8. c. 1. d. 12. (Vel nisi justè interpretetur Judex voluntatem Superioris; Vel nisi adsit alia justa causa, v.g. si ex diminutione poenæ speretur correctio; Vel si reus sponte fateatur crimen, etc., vide n. 31.) Dixi inferior, quia supremus ob justam causam (putà, si reus sit benemeritus, vel sit occasio publicæ laetitiae, etc. (excepte, si reus sit nocious Reipublicæ)) id potest: sine tamen causa graviter pecaret, secundum Caj. verbo Judex, quia animaret delinquentes et concurreret ad peccatum. Whether it is permissible to intercede with the Judge for the release of the thing? See Bon. 1. c. t. ( ) (V. Not.

VII, p. 437.) 206. — "Resp. 2. If there was an Advocate in some cause, he cannot be Judge in the same and render a verdict, neither can he be exempt from this rule. C. concerning appeals and liberations except regarding jurisdiction because his judgment is considered suspect on account of affection towards one party, as common law teaches in c. 26 (and adds n. 3), that the sentence would not be valid, although others deny this if he is an ordinary judge C de Lugo on justice d. 41, 1, 1, n. 4. See also t. 5. misc. R. 56. ubi ex Corduba sentit tamlem Judicem in conscientia non peccare, si sine affectu secundum leges, altera parte ipse judicet. 207. — « Resp. 3.

Whoever the judge, privy to private knowledge and knowing someone to be guilty, cannot condemn if the innocent person has been juridically approved: because he judges as a public person, therefore he ought to follow public knowledge and proceed according to allegations and proofs, especially in favor of the accused, says S. Th. 2. a. qu. 67. Cajus • Filius 10.

q. 2. pag. 2. 208. — « Resp. 4. He who a judge privately knows to be innocent, if juridically proven guilty, is bound in every way to liberate him, if he can, for example, by preventing accusation, extracting judgment, opening prison (if without greater harm), remitting cause to the Superior: and if thus nothing efficacious results, most doctors hold probabiliter with S. Th. 1., citing Cum Vasq, et 25. de V. n. 29., for the reason given a little before, that he might condemn; yet it seems more true otherwise, as they teach with others, 2. c. 29. d. 10. If so, indeed. Judge.

Petri. q. 2. p. 2. n. 2. congruent esset cogere mulierem ad convivendum cum eo, quem privatim scit Judex non esse suum maritum: Ita fusè p. 499. ex n. 668. cum Anacl. 2 cap. 29 n. 78. item Panorm. Hoste primo capite numerus XXVII. (V. Card. de Lug. d. 37. s. 14.) quia directè occidere innocentem • 4. It is intrinsically evil to kill; therefore whatever is known to be innocent will be a sin. Nevertheless, in civil and lesser criminal causes, where only matters of pecuniary penalties are at issue, the Judge can proceed simply according to the alleged and proven facts, both because an innocent person can be restored intact through appeal, and because the Republic has the power for the good of its citizens when public good requires it, so that in this case the form of public judgments is not overturned by popular scandal. (Cum Lugo, n. 28. Both these sentences are probable. See n. 8.

Bonac. l. c. n. 4. 209. — « Quære i. » What is to be done by the judge when both opinions are probable in a question of law, for instance, whether an inheritance should be attributed according to the solemn testament? Resp. It should pronounce the sentence according to the more probable opinion of what is lawful, at least if the Judge be supreme. Neither then should it be held to be sufficient for someone to satisfy the requirements of conscience by adjudicating in favor of a party who presents his cause probabily, even though another is more probable. The reason is, because the Judge is constituted so that according to the merits of the cause and the sentence which seems most consonant with reason to him, he may decide the cause; otherwise he would be an acceptor of persons. I said if supreme: for if some sentence should commonly be accepted in a higher Tribunal, it appears to the lower Judge that he can judge according to it, although less probable, because he sees the more probable one as revocable with prejudice to his honor in the higher Tribunal. l. i. t. i. c. 5. §. 3. n. 16. ex tamen C. de Lugo. d. 37. s. io.

Herein is warned this Proposition 2, condemned by Innocent. XI which he said: "I consider it probable that the Judge can judge according to even a less probable opinion." The reason for the condemnation is that the Judge is constituted with the Republic in this manner, so as to render to each one

his own right, and indeed he has a greater right who receives the more probable opinion in favor. But note the Doctors. I. Ratio damnationis est, quia Judex à Republica cum hoc pacto constituitur, ut unicuique jus suum tribuat, et quidem jus majus habet is, cui probabilior opinio favet.

That attention must be given to that opinion which is more probable according to the cited and proven evidence. Hence they say that the Judge cannot open to another party what he himself could allege for himself; because this would be to act in the capacity of Advocate, which is not permitted to the Judge. Thus n. 40. with Vasq. the preceding sentence. with Tap. and others cited. It is asked however this I. In cases of civil matters, whether a judge can render a sentence in favor of one party for whom he has preferred the probability?

Si in equali probabilitate facti jus æquè faveat partibus, communiter dicunt DD: tunc omnino rem esse dividendam. Justitiam ita Lugo dicit. D. 37. n. 115. l. 2. D. 41. n. 16. tr. i. D. 2. p. 10. n. 2. with regard to the secular office.

DOUBT. IL. ARTICLE IV. payments. A doubt arises when it is under the opinion of which party's right is favored more? The first opinion holds that in such a case the judge can adjudicate the matter according to his will, because when each party then has an integral right to the thing according to diverse and probable judgments of D D., the judge can conform himself to one of those judgments, and thus he does not inflict injury upon any other party.

Thus Lugo l.c., Sanchez no. 45, when he calls it common (but immorally, as we shall see). The second opinion, which they consider more probable, Salamanca tractate 29, caput 1, nota 42, with Prado, 15. Question 2, chapter 1, question 9, and Analecta tractatus 1. D. 3. §. 3. n. 62. teaches still in that case that the matter is to be divided. Reason, because the Judge is not the lord of things, but a distributor according to the laws of the parties; and therefore, if the laws are equal, he should divide the thing equally among them. Since however the law favors the possessor more equitably in all other respects, therefore exception I is admitted.

If such a case occurs, wherein proofs are equal, and opinions on either side are equally probable, one part in good faith possesses; for then themselves should be favored, as rightly they say, c. et Sporer de Conc. l. n. 69. and is proven from c. Litteris de Probat. Where it is said that if the witnesses of both parties are equally fit, the witnesses of the possessor are preferred. It is excluded the second. If it concerns causes such as marriage, dower, widowhood, minority, and other holy causes, then for those to be judged,

when laws are equal, even if they are plaintiffs, etc. Otherwise, however, if the opposite party has rather more right, according to the book. If the party is concerned with causes criminal, especially capital crimes, then it must absolutely judge for the defendant, even if there stands a less probable opinion against him/her.

Reason, because no one is to be condemned unless it be certain of his crime, according to the law. If absent, ff. de Poenis, and lib. Let them know. S. de Prob. ubi ad proferendam sententiam sanguinis probationes debent esse lucernas clariores. And they say that this was the mind of the Pontiff when he condemned the aforementioned Proposition 2.

Figuera et alii apud Question NoneII. In matters of civil causes, should the judge rule against the legitimate possessor if he favors the more probable opinion of the Actor? It is certain that if the reasons are equal, it should be judged for the legitimate possessor, as proves L. 2. D. 42. n. 12. with Soto, Coo.

Syllogism. Moland et aliis immumeris, regula 65. de Regulo iuris in 6. ubi dicitur: In pariete delicto vel causa potior est conditio possidentis. Reason, because although in doubt the law is equal as regards property, yet the right of the possessor is preferred, who is certain regarding the possession of the law. It is certain that in a doubt concerning possession and property, judgment should be given for him who has more probable reasons; this is evident from proposition 2 condemned by Innocent. XI which said: "I consider it to be judged probabilistically according to the opinion even a less probable one."

Reason, because the judge is constituted by the Republic, that each one may receive his own right according to the merits of the cause; hence he himself ought to adjudicate in favor of him who has a better claim for himself. See ibid., cap. 9, n. 47. Lugo D. 37. n. 5. 16. et . 29. c. 1. n. 39. A doubt arises: if there are more probable reasons for the Actor, then according to what should judgment be rendered? 1 c. 3 § 4 n. 6 responds in this case that the judge is bound to render judgment in favor of the Actor on the same grounds shortly adduced, because the right of possession prevails in an equal cause, but not in a less probable cause. The Cardinal de Lugo on Justice.

D. 16. n. 99. dicit quod judex non tenetur, sed potest pro actori ferre sententiam, eoquod potest sequi opinionem probabilem, nempe quod actor, rationes pro se probabiliores adducendo, satis jus suum probet. Others however commonly say, as Cardenas 1. Crisi D. 16. c. 9. n. 156. et 192. cum Diana, etc., et in dicta. Prop. 2. 4. n. 33. et 59. item Croix 1. 4.

n. 1485. pag. 70. n. 198. p. 37. n. 172. et alius doctus Scriptor neotericus, qui (cum Filguera in eadem Prop. 2.) hanc sententiam vocat communem, satis probabiliter tenent, quod Judex non potest Reum legitime possidentem re espoliare, si pro ipsa stent rationes probabiles, etiamsi pro Actor stent probabiliores. Reason, because possession gives a certain right to the possessor to retain the thing until it is determined by law otherwise, as Roncaglia says: "The title of possession according to the common opinion of theologians 'elides more probable reasons."

"This is said by Cardenas. Proven by the authority of the most common Doctors with Bartolus and Innocent." Whereupon the most learned Cardinal of the Synod wrote in § 1, n. 20, n. 11: it is not fitting to proceed against possession except from certainty. Forasmuch as the right of possession is a certain right, it cannot be annulled except by another certain right of law, which has already been proven. Nonetheless, it cannot be said that the Actor proves his own right by adducing reasons that are merely probable, not convincing, against the possessor, who has a right that is probable. To this judgment is appended 1. g. 2. p. 2. n. 2., where speaking about the obligation of restitution, he says that a possessor having a probable reason on his behalf is not bound to any restitution, even if the other party's apparent right seems more probable; by adducing such reasons, he says: "Then because in external forum he would not be obligated to any restitution," therefore neither should he be obligated in the forum of conscience; for the judgment of internal and external forum should be the same; when the external forum is not initiated under a false presumption; moreover, because certain possession prevails over reasons induced into the opposite part but not generating consent.

Therefore, as this Author asserts, even though the Actor has reasons more probable for himself but not convincing, the possessor is not to be deprived of the thing possessed by judicial decision. Neither does the above-mentioned text hinder: "In a similar case, the condition of the possessor is preferable." » Therefore (as he says. For it can be replied that from that text it is not necessarily inferred that the judgment should go to the party having more probable reasons against the legitimate possessor of the property, who himself has a probable reason; rather, in this case, greater attention should be given to another Rule of Law 11, namely: When the rights of the parties are obscure, it is more appropriate to rule against the Accused than for the Plaintiff. I said legitimate possessor, because otherwise (as we have stated above), if possession were not certain, or not certainly legitimate, then the Judge should declare the law according to the more probable opinion concerning property, as all teach with their own Proposition 2.

And thus judges commonly adjudicate the case in favor of those having probable rights, because in external forum it is more difficult to prove the good faith of the possessor. 241. — Question III. Whether it is lawful for a judge to accept any gifts from the litigants? It is certain that it is not licit to accept great gifts, which are called sportulas, namely money, clothes, and other precious things. It is doubtful whether it is permissible to accept small gifts called xenia, that is, food and drink. They affirm also Menoch in chapters 74 and 80 of the book.

It is customary §. Not however, the laws concerning the rights and duties. Procure where it is said, by name of gifts, not to come foreign gift. Furthermore, they confirm from chapter Statutum §. insuper of Rescript in book six where it says "ubi Bon." Eighth thus he says: "Furthermore, so that" gratis... judgment... may proceed, no gift... (unless perhaps food or drink offered purely out of liberality, which can be consumed by a few in a few days, or unless it happens because they have been entrusted with something for their own cause and are compelled to stay outside their home, moderate expenses) should be received from the same parties qua litercumque presumed. However, they contradict even with 80 and others, and say that the aforementioned law 2 is not so.

Authoritative and sacred from all. Of life, and of honor. They say that the Bishop should only receive expenses for sustenance when he visits the poor or consecrates a church, according to c. De Censu in 6. See however, contrary to this first opinion with the Glossa as cited in §. Moreover, we do not know how to disapprove, directly or indirectly, those provisions concerning the unpalatable matters from the Judge; for we do not know how to recognize in what way delegates differ from other judges. Congruent autem (dicit præfata Glossa) non reputatur simonia: praefatus Praepositus Regularis gratis aliquid recipit ab eo qui petit Religionem ingressari, ut habetur in Cap. Dilectus 30. De ita nec supponi potest ob simile munus Judicem velle injustam ferre sententiam. 212. — Quæritur IV.

Whether it is a sin to give gifts to the judge or to his ministers? Distingue, si det sine justa causa; quia siquidem peccat, cooperando in injusta receptione; secus, si cum causa; nam ad redimendam injustam vexationem est necessaria; modo sit probabile periculum, quod alias manifesta injustitia sibi inferretur; tunc enim haec non est corruptio, sed cautio ut jus suum sibi tribuatur. Thus commonly. I. 3. c. 1. D. 3. n. 3. Lugo D. 3. n. 136.

Mol. Card. c. 1. n. 89. contra 70 LIB. IV, ON THE PARTICULAR COMMANDMENTS, CHAP. II. etc., ibid., n. 90. Nor do the laws prohibiting

this stand in opposition, for laws aim to prevent judges from being corrupted with gifts, not so that they might obtain just judgment. It must be noted that he who gives bribes can afterward in the same judicial case seek to have what he gave returned after the sentence has been pronounced, and the judge is bound certainly before rendering the sentence to restore that which he gave. This is according to c. Non sane 14, q. 5, 213.

Finally, it must be noted that a secular judge who commits perjury (that is, who bears an unjust sentence through corrupt money) is deprived of his dignity by law, rendered incapable of further judging, and punished with relegation; furthermore, he is considered infamous, and bound to restore threefold as punishment, and all damages to the injured party. This is a matter of civil law. But in a criminal case, where he has condemned an innocent person to death, capital punishment is imposed upon him. The judge of the Ecclesiastical Court is suspended from Office for a year, and other punishment can be inflicted.

See n. 94. Corruptiens autem judicem, ut iniquam sententiam proferat, punitur eadem poena qua judex ut supra. Thus commonly the D.D.s with l. 1. D. 54. n. 1. Farinaeus and Menocus add that corrupting destroys even the action to repeat what is given.

But those who ask for received grace, or recipients for obtained grace, or justice at the Apostolic Seat incur besides reserved excommunication, and are held to restitution; and clergymen are deprived of any office or benefice. See c. n. 88. (V. N. VIII, p. 347.) "Resp. 2." If opposite opinions appear equally probable, it will not be permissible to assign all to one of them at one's own discretion, since each has an equal right, but rather it will suggest a compromise; in fact, and even command it in a very intricate case (for otherwise it is not permitted); or to one half, and the other half to the other, regarding either the right or the thing in question of which the lawsuit is about, remembering meanwhile the axiom that if the rights of the parts are obscure, it is more fitting to favor the defendant rather than the plaintiff. Bonaventura de peccatis. d. 2. q. 4. p. 9. 214 — « Quæres 2.

To what is the judge bound who has pronounced an unjust sentence? Resp. If through deceit (as I said in d. 1, art. 1), with great negligence he did it, he caused a lawsuit for himself, that is to say, he brought harm upon the injured party and against him it must be restored. Bonaventurae, de duodecim articulis, quarto quaestionis, secunda pars, ex Summa Theologiae 195. Resp. 2. If otherwise worthy to his office (even though he who seeks this may have obtained it, neglecting others more deserving),

through oblivion and by reason of human frailty having erred, he is not bound in conscience to restitution from his own resources, since he has not incurred a formal injury, nor will he gain any advantage from such a decision; rather (according to some), since he has not committed a theological fault: yet if he can revoke the decision without great inconvenience, he should do so. . 3. t. 6. c. 2. n. 11. 218. — "You ask 3." Does an unjust judgment of the judge oblige one in the forum of conscience? Resp.

An unjust sentence, whether through its very nature or through the omission of a simply necessary order of law, even if it be carried out through false allegations and proofs, or through the judge's iniquity, has no strength in the forum of conscience; the injured party remains, although he may not invoke his right, and it will be permissible for him to recover goods without scandal, if this can be done without great difficulty. S. Th. 10. g. 2. p. 4. . 8. c. 1. d. 7. The reason is, because the sentence obligates in conscience so far as it has the reason of judgment, that is to say, as it is determination of law and definition of justice. I said in the forum of conscience: because in the external forum where not so much the truth of fact but the proof of law is regarded, the sentence pronounced must be observed, to avoid scandal and inconveniences, nor should an action be allowed against it after the lapse of time (within which appeal was permissible), according to the law thus establishing both as a penalty for negligence and for the good of the public, that litigation may have an end. . 8. c. 4. d. 7. ex Sayr. etc. ## Unde resolvus: « 1. Is cuius bona per sententiam manifestè injustam adjudi- » cata sunt alteri, potest (nisi alter justè præscripserit) per » occultam compensationem ea recipere: quia recuperat jus » suum ibidem. He who, knowing that a judgment was unjustly rendered against him, received goods in bad faith is bound always to restore them, and never to prescribe anything, because they are alien; and a possessor in bad faith will never cease: on the contrary, he is bound to restore expenses and compensate damages, even if the injured party has not appealed, since he does not renounce his right.

He who in good faith sought a thing from the judge and in good faith received it, understanding before the end of the finite prescription period that the sentence had been unjust, is bound to return it, although not the expenses. Si vero bona fide possedit rem in tempore ad praescribendum necessario, non tenetur restituere, quia legitime praescriptum est. Solomon. Syr. . c. 216. — " Quæres . 4. What is permissible for the Judge regarding gifts?

Response. 1. Although at times, by accepting liberal gifts from those who are otherwise upright, one may sin through scandal or through the danger

of perverting justice, nevertheless, dominion over accepted gifts is acquired according to the law of nature. (This is common and certain, n. 109.) Resp. 2. Even though positive law prohibits the acceptance of gifts, the recipient is nevertheless not bound to restitution prior to the judgment of the Judge, unless the law expresses that both an illicit and an invalid acceptance are present. See Bonaventura in 8th part, question 2, chapter 3, treatise 4, canon 4, note 9 and 10. Here it is asked whether the Judge is bound to restore what has been accepted before the sentence of the Judge?

The first opinion, which Sotus holds in book 4, question 7, article 1, ad 2, and Tapia and Cord also maintain. Rodr. tr. 13. c. 1. n. 172. affirms, ex leg. Jurisgentium. D. on Contracts, law. If a pledge is made concerning the obligation of the word, where such conventions do not clarify anything.

And it favors this opinion: 2. qu. 62., art. 5, 7 LIB. IV, ON PARTICULAR PRECEPTS, CHAP. III. ad 2. says: "And because even he who receives does so against the law," it should not be retained by him. The second opinion denies this, and this is held by Lugo D. 18. d. 54. . 2. c. 14. n. 54. and St. Augustine. and others among those who equally regard it as probable. Reason, because this restitution is not due according to the law of nature, according to what is said in the book, number 712. Nor de jure positivo, quia leges praefatae et aliae vel intelliguntur pro foro tantùm externo, vel de restitutione in poenam criminis, pro qua semper requiritur sententia, etsi non inflictiva poena, saltem declaratoria criminis.

Both sentences are sufficiently probable. "Resp. 3." If the Judge unjustly extorts bribes, unwilling to do "what is just and ought to be done," he is bound to restore them: so that even if something has been given to redeem vexation, for instance, "lest he unjustly favor the adverse party, nor unduly delay the cause." » Although in this case it is sometimes presumed that the giver remits the obligation of restitution. » . c. ex. It is certain and common among Doctors, that whoever receives something so as to perform or omit what justice required him to perform or omit, ought to restore the received thing.

Thus S. Th. 177. I said from justice; for he who is not bound by anything from justice, but from charity or some other virtue, can properly receive a reward for it, since what he promises is estimable in price, as the Doctors 18. n. 67. and n. 185. against this opinion hold; and even if he has received this, not from one of the parties, but from a stranger, such as a friend or relative, they more truly judge thus, Lugo. Decretum, n. 125. Top. Obj. 1. and c. 1. n. 183. against Dict. c. ibid.

Et autem judex tenetur restituere acceptum pro ferenda injusta sententia?

See what is said in lib. 3. n. 712. But hence it is asked, whether, when justice is doubtful, namely as to the sufficiency of proof, so that the Judge may render a decision for one party rather than another (according to the opinion of those whom we have cited in n. 210). It is asked, however; since we have not admitted the aforementioned opinion as probable, whether the Judge is bound to restore what he received from one of the parties, so that he may render judgment in favor of that party? It is certain that such an acceptance is illicit according to Prop. 26, condemned by : "When litigants have opinions equally probable for themselves, the judge can accept money in order to render a sentence in favor of one rather than another."

The first judgment denies that the acceptance is invalid according to natural law, because the judge accepts it in order to do what justice did not require him to do. Thus it is called probable; because whenever the judge pronounces a sentence, he exercises an act to which he is bound by justice. Therefore nothing can receive as a sentence what it pronounces, since it is bound by justice to act thus. Thus . Mol.

Coo. with n. 181. 217. — Regarding however the remuneration of the Commissioner or Executor, it is queried whether if the Commissioner is dispatched to perform multiple executions, he may demand a full daily stipend from each debtor? They affirm likewise Lugo disp. 37. n. 138. et . 2. c. 24. n. 28. in the same manner as one who places his labor somewhere for another's business could from another for a different business demand the same remuneration. But they deny . 1. 3. c. unic. d. 23. de n. 96., who more truly say that quite the opposite is to be held, because, as they say, the daily wage is not given to the Commissioner for the number of executions, but for the work of each individual day; hence he can demand only the ordinary salary, and indeed somewhat more if the labor due to the number of executions is extraordinary, as they well note with others. It seems certain with . c. D. 24. n. 1 and also n. 99 that a Judge cannot divide the stipendium with an Executor (and much less can an Executor be divided with another person, as they say); but this is not pleasing: because a Judge by virtue of his office is bound to appoint a Commissioner; hence he cannot receive any remuneration for such appointment. ## DUBIUM III. ## What is the office of an Advocate? 118. What are required in an Advocate? — 219.

When is the office of Advocate prohibited from being exercised? — 220. What is permissible for the Advocate? — 221. To whom is the advocate bound to defend the poor? — 222. Whether an Advocate can defend a less probable cause? — 223. When is the Advocate bound to restoration? — 224.

May it be lawful for the Advocate to agree on a price, after litigation has been initiated? Whether a portion of the lawsuit is involved? — 225. Multiple things are noteworthy regarding the Advocate's Salary. — 226. When shall an Advocate sin against his office? 218. — I SUPPOSE according to all, that four things are required in an Advocate, namely, suitable knowledge, justice of cause, fidelity, and just remuneration: if these be fixed upon, it is not lawful for him to receive more; where they have not been fixed upon, sufficient natural justice suffices, as you will see in Bon. 219. — But above all it must be noted that the office of an Advocate is forbidden to be exercised by the impotent, infamous, and also by Monks, unless there intervene the utility of the Monastery, and the permission of the Prelate, according to c. Ex parte. On the Matter of Postulation.

Item priests, whether in the lay forum or ecclesiastical, according to the canon from priests. That the cleric nor. Mon. Unless there is a proper cause, or one proper to the Church itself, or to the poor, or to blood relations within four degrees, then these shall not find another Advocate so suitably appointed otherwise. However, in a criminal cause it is never permissible for priests to advocate before a secular judge.

The same is said of Clerics in Sacred offices in Lib. 74. IV, ON THE PARTICULAR PRECEPTS, CHAP. II. established, whether in Minor Orders if they are Beneficiaries, unless they lack a sufficient patrimony for sustenance, as stated in decree 4, note 7. Panor. Lancell. n. 7. et 8. If anyone, however, should invoke one or two reasons against the prohibition even once or twice, he would not sin gravely; Otherwise, if he does so expressly, as stated in number 10, it must be noted that according to common opinion it is not forbidden for Clerics but not Priests to advocate on matters of the Church (for a reason related to person or ecclesial matter) in any forum.

Thus the same in A A. ibid. n. 7. And it is evident from chapter 1 that only clerics are prohibited from advocating in a lay forum for secular causes. Note II. that Clerics in Minor orders without Benefice can advocate any civil causes in any forum. But whether they can act as advocates in a criminal cause? Aff. alii apud Sed tutiùs negandum ex c. 9.

Not Distinction 51. Nevertheless, it is permissible to defend the Accused, as stated in c. 6 of d. 7, q. 3, when speaking about defending the Plaintiff. — “Resp. 1. It is not permissible to take up a cause which one knows to be unjust under a grave sin: but in civil matters, concerning both parties, even in doubtful cases and those less probable, one may defend either side,

provided that the client is warned about the lesser probability. Vasq. Salas, C. de Lugo, p. 2.

Response 4. Because each party has the right to present its reasons in judgment: therefore also the advocate for defending; and it is not always truer what seems more probable: and perhaps another will be the judgment of the Judge: 2. q. 4. p. 9. and above l. 1. c. 2. d. 2. and in Præcepta d. 10. q. 3. p. 4. I said, civil; because in a criminal cause it is not lawful to defend the parties of the actor, who in such a case grievously sins against the defendant, therefore also the advocate. Fillius l. 40. c. 1. Neither when the actor against the possessor proceeding knows that he cannot prove anything, but that the matter will always remain doubtful; because then the possessor is unjustly harassed; for which reason finally the judge ought to rule, as you see in 41. n. 7. Salas in t. 1. 2. d. 1. sect. ult. num. 108.

Response 2. In the cause of criminality, the accused may even defend himself by invoking immunity, so as to avoid death or some other penalty, because the accused is not bound to a penalty unless convicted; hence he can himself, or through another, deflect it until he is convicted. Bonac. d. 10. q. 3. p. 4. n. 7. 221. — « Resp. 3. The advocate is bound to defend the poor in extremis (even when it involves a serious inconvenience to himself, but not an extremely serious one), as S. Thom. 2-2, q. 71, art. 1 states: how otherwise could the poor be adequately assisted if such assistance does not readily appear? Likewise generally, n. 20 and 21. *Or out of grave necessity to provide gratuitous patronage; yet with no notable inconvenience to himself.* The reason is the law of charity. C. (Even whether in a great necessity the poor are bound to defend someone under mortal sin?)

They deny. No. and Cai. But truly affirm Sotus and Val. when the Advocate has an unnecessary superfluity according to his own decree. The Advocate is also held to defend the causes of the poor in common necessities; yet it suffices if he himself in this matter largiatur ex superfluis temporis et divitiarum. 0 222. — There is a great question whether or not the Advocate can defend a less probable cause. That it can then defend the Accused is common; yet Val. de offic. c. 4. n. 3r. says that it cannot defend the Party with a less probable opinion.

However, others more commonly with Bus. as with Lugo. D. 41. Section 1. Number 8. Chapter 9. Number 52. Reasoning, firstly because an opinion can become more probable with the passage of time, and secondly because often an opinion which appears less probable to the advocate seems more probable to the judge. However, it notes I. Lugo, Maller.

Diana et Lorca apud quod hoc currit, si probabilitas sit juris; nam, si sit facti, etiam in pari probabilitate (quia tunc omnino lavendum est Rex) communiter dicunt non licere Advocato Actorem tueri. They note II. n. 35 with Lugo, l.c., that in a case of equal probability of law it is commonly held to be permissible to advocate either for the Defendant or the Plaintiff. 223. — « 1. Advocate, qui sciebat et tamen patrocinabatur causæ injustæ; aut qui culpabiliter ignorantem causam esse injustam sciebat et tamen patrocinabatur, tenetur ad compensationem omnium damnorum inde consequentium. Wherefore the opposite party should be restored from the sin of commission, because it was the cause of positive damage to him (and similarly, if he defends a doubtful cause and obtains it by fraud; for there is injustice on the part of the opposing side): but his own client is bound to restore from the sin of omission; because he was under obligation through his office to warn the ignorant about the injustice of the cause. What I add is this: because if it was known to the client regarding the injustice of the cause, he is not bound to restore.

Bonac. d. 10. q. 3. p. 4. . 2. c. 31. d. 8. Fill. d. 6. num. 127. « 2. Similarly to commit sin and be held to restitution when defending an articulation of a just cause in an unjust way, so as thereby to vex, hinder, delay, or pervert the adversary, docet 8. c. 5. dist. 3. ex. Cajet. « 3. When a cause scarcely has any probability, so that there is almost no hope of obtaining it morally, insofar as it is always rejected by judges, it does not regularly permit reception; firstly, because it causes the client to lose time and money without profit; secondly, because such a thing is generally not considered probable.

When however the client has a good right in the cause of possession, but not in ownership, is it permissible for the advocate to defend him in the possessory cause (while the question of ownership is not being considered)? Some affirm this, while others deny it. See c. 47. n. 13. tract. 2. d. 81. Card. de Lugo l. c. n. 30. Therefore others say that it is permissible for an Advocate to defend such a Client, because then he cooperates permissively in the sin of the Client only, exercising the office of counselor with him before the Judge in that case. But more correctly it contradicts Lugo D. 41. n. 10. with Mol. . "4."

Advocatus, antequam patrocinium causae suscipiat, tenetur examinare ejus aequitatem et probabilitatem, eamque clienti indicare sincerè: si enim falsa promissione, vel inani spe victoriæ, sumptibus involvat, tenetur ad restitutionem. 2. q. 4. p. 9. uti sive qualitatem ac statum causæ seu periculum ejus perdendæ indicare neglexerit, et cliens, eo cognito, litigaturus non fuisset. If however there is a doubt whether in that case he

would have prosecuted the litigant, and this cannot be known by any diligence, then the advocate is not bound to make restitution of damages, teaches 4. c. 20. because the condition of the possessor is better when it does not necessarily follow from the incurred damage. Si dicat omnino causam clientis minus probabilem esse justam, tenetur de damno, si cliens cognito causa dubio non fuisset litigaturus. Boniface. loco citato "6." If in the progress of the cause he sees iniquity, he is bound to advise the client promptly and to persuade him to desist; otherwise he will be obligated to restore damages, because, since he has been remunerated, he is bound by justice to advise.

Tan. l. c. Neque potest, vel ipse vel Judex suadere compositionem cum damno partis; quia composi-tio non habet locum nisi quando res est dubia. If however he leads to a transaction without damage, deception, force, and fear, he is not bound to do so, because he does no one an injury, Val. . 7. He cannot be absolved who is ready to take up any causes for defense. Syr. l. 12. c. 23. n. 18. 224. — « 8. It is not permissible to agree with a client regarding the price after the lawsuit has been initiated, but either before acceptance or after completion, according to c. Infames, 3 q. 7, because the client, having displayed his instruments, will be compelled to stand by any price, lest he be betrayed. (However, if the advocate proceeds without deceit and the price is just, there is no sin in agreeing on that matter even in the midst of the lawsuit, according to c. 4 n. 57.)

Nec licet pacisci de parte aliquot a, v. gr. dimidia, tertia vel quarta litis, pro pretio, si victoria obtigerit, quia id graviter prohibetur. L. Expenditures concerning contracts, see pages on contracts, L. Item. C. concerning the third question of the seventh.

L. who, in this case nevertheless is not obligated to restitution if the just price does not exceed it, and there is no deceit and fraud. See Syllogism. V. Advocate. Fill. lib. 5. consil. c. 7. d. 9. n. 3. et 7. C. de Lugo. l. c. (V.

Not. IX, p. 347.) 223. — Notandum est I. quod Advocatus non potest exigere pretium quantum vult, sed debet exigere moderatè et respectivè ad gravitatem et difficultatem causæ, ad scientiam et dignitatem Advocati, atque usum Religionis. If however a price has been fixed by the received law and not abrogated, then that is to be observed; otherwise the Advocate who receives a notably exceeding price sins and is bound to restore it. See n. 43 and 54. Note II: Si autem conveniet de pretio, et Clēnē deseret causam, Advocātus potest totum pretium petere, si per ipsum non stet quominus litem prosequatur; sicut et qui operam suam locaverit pro aliqua mercedī, illam bene exigere potest, si per conductorem statuatur ne opera compleatur, ut ex lege.

If one, f. from the lessee. Thus num. 58. with Sayr. See what is said in book 3, number 342, verse. Sinners. I nevertheless say that this is to be understood, namely, if no just cause supervenes for deserting the litigation; for this condition is always implicitly understood as appended to the agreement made.

III. Notandum esse valde probabile quod si Advocatus conveniat de salario cum aliquo per totum annum pro omnibus suis causis tuendis possit salarium exigere etiamsi nulla lis in illo anno occurrat. Reason, because if in another year more disputes should arise which deserve a greater salary, it would be unjust thereafter to demand a greater salary: Thus Guttier, n. 55. This, however, applies to ordinary lawsuits and labors; for if an extraordinary lawsuit or labor should occur, it does not prevent the advocate from demanding a greater salary. Nevertheless, they advert wisely ibid., n. 56, that if while the lawsuit is being conducted, the Advocate falls into infirmity, salary should be remitted according to the proportionate time: understand if the infirmity has been long-lasting. 296. — « 9. The Advocate commits a sin 1.

If, since he is not suitable, he exercises the office of Advocate and defends [cases], 1. None. of the Advocate's defense. S. Th. 2. 2. q. 71. est peccatum ex genere suo mortale. 2. If he defends an unjust cause according to what has been said in the Rule 1. 3.

If through excessive delays, illicit bribes of witnesses, and so forth, it notably officiates for the party adverse, having another just cause, etc., see 4. If neither party be favored, because it is contrary to equity to defend both parties equally. Syllow. ». p. 2. 1. 6. c. 7. d. 7. However, on account of diverse reasons, being secluded from scandal does not repugn. 5.

If in the same cause in which the Judge or assessor acts, an advocate also acts; because it is not permitted to exercise two contrary Offices in the same cause. Syll. v. 6. If, although he defends a just cause, he produces false writings, or false witnesses, or instruments; yet he does not sin if in a manifestly just cause he deceive the adversary, provided no falsehood be used, for instance. Alleging false things, etc. S. Th. 2. 2. q. 71. art. 7. p. 2. 1. 6. c. 7. d. 8. . c. 7.

If he brings forward false laws, or repealed laws, or disapproved doctrine, or good laws perverted to a false sense, knowing and prudent as he is, he will twist them. 8. If he seeks delays in the grievance of another party, without advancing the matter. See Filius. . c. 9. » If he receive an unjust

reward. When however no tax is imposed by law, that which is held to be considered just is deemed just according to 78 LIB.

IV, ON PARTICULAR PRECEPTS, etc., "such a judgment by prudent men, attentive to the quality of the business, to its dignity, to the knowledge and expertise of the advocate, and to the labor he expends, and finally to the approved custom." See chap. d. 5. 10. If he counsel or approve a usurious contract, or one otherwise unjust. "11. Si contractum usurarium vel aliter iniquum suggerat aut approbare velit." If he ignores the laws, statutes, and customs of his country (whence, if grave damage comes to the client, he is bound to compensate), or does not take the trouble to understand them. « 10.

The Advocate sins against justice if he reveals the reasons and foundations of the client whom he justly defends, or discloses the secrets of the cause to the adversary: as is proven by other authorities. c. 47. n. 15. See also C. de Lugdunensi, lib. c., cap. n. 6: it is bound to restitution if on that account the client lost his case and would have won another; because he acted contrary to the Office, and did not use diligence in obtaining the cause in favor of the client. At civil codes: However, some limit this, unless danger is present, so that the adverse part does not suffer a grave and unjust damage; because they say that anyone can prevent another from suffering a grave damage, even without incurring his own loss. See 2. c. 31. Fill. » 1. t. 1. c. 5. n. 18.

But this limitation with St. Thomas. » Others do not admit it, unless perchance the defendant should be worthy of capital punishment, and the accuser were proceeding unjustly; for then, they say, the advocate of the accuser ought to disclose the falsehood, provided there would be hope that the accusation might be prevented by a warning to the accuser to desist. See C. de Lugo. l. c. § 11. Advocate peccat si expeditiones causarum cum praejudicio clientum differat, postponat vel plures acceptet quam expediere possit; tenetur ad restitutionem uti et omnium damnorum quae per ejus imperitiam, malitiam vel negligentiam cliens aut actor incurrit. Non tamen tenetur in omnibus causis adhibere eamdem diligentiam sed majorem vel minorem pro causae qualitate. See beforehand 8. d. 10.

Question 3, chapter 2, article 39, distinction g, chapter 5. » ## DOUBT IV: ## What is the obligation of the Referrer, Secretary, Notary, and Advocate? 227. To what they are bound by reference, etc. — 228. When may referents commit sin? — 229. When Secretaries? — 230.

When Table-tailors, or Notaries? — 231. Many things to be noted concerning Notaries and Tabel-liones? — 232. When do Procurators sin?

— 233. Pluralia notanda circa stipendium procuratoris? 227. — « Resp. All those are bound justly to exercise their Office faithfully, whether by reason of the debt due, or even also by reason of the oath.

Moreover, they are bound to know those things which pertain to their Office, and to exercise due diligence therein, supplying all that is necessary, demanding just terms when it is necessary, appealing when it is necessary. Good. Escob. et comm. ## Whereupon the following cases are resolved: " 1. They sin if they exercise their offices out of hatred, or love, hope, or fear; if they do not keep secrets; if they hand over processes or original writings to others, parts, or those who solicit them, which they should not; if they accept a greater reward than is just, or more than the taxed price; if they counsel unjust lawsuits, etc. 228. — « 2. Referring to the sin 1.

If through lack of study, or through negligence, he incorrectly refers to something, or omits some substantial matter. 2. If it is partial, it endeavors to favor the justice of one part more than the other, and explain it. 3. If it reveals the judgment to either party before it is promulgated, whereby serious inconveniences might ensue, for example. Judge to be refused, etc. V.

Esc. 229. — "3." The secretary commits a sin. If the oath is violated. 2. If he betrays a secret. 3. If he publishes a sentence that has not yet been made public. 4.

If he does not guard the process, or the sentences, either wholly or in part, without the prescription of the Judge, reveals them. 5. If he shall not faithfully transcribe testimonies, whether by exaggerating, or diminishing, or altering, or inverting them. Escob. 230. — "4." Tabellio, sive Notarius publicus peccat, si sine sufficienti peritia (v.g. clausulas communes, etc. ignorans) suscipiat Officium. 2. If the oath is violated. 3.

If in the testimony of witnesses he adds or omits anything of considerable importance, 4. If to the minister-transcriber he commits an examination with the danger of error. 5. If the protocols and acts are negligently preserved with damage to the parties, 6. If he defer the dispatching of causes, in order to extort money. 7. If he writes a will for one who is devoid of reason. 8.

If false witnesses he admit. g. If necessary solemnities are omitted through culpable ignorance or malice. If it shall not produce some necessary testimony upon a single request and to the prejudice of another; if it shall

make an usurious or false instrument, especially to the damage of a third party; if it shall cause processes and causes to come before other Judges or Referrers, etc., contrary to the order of that tribunal which is required: because it makes a great difference to have this or that Judge. Broom. V. . 3. t. 6. c. 2.

Born before the last day of the ultimate part of the ultimate question. If a secret is violet, for example, by opening the part adverse to it, speaking the words of the witnesses before their publication; this is mortal against justice, as taught in 8. c. 7. n. 3. from note 52. 12. If to the petitioner he conceals instruments, especially those containing bonds. Nao. l. cit. n. 35. Syll. v.

Tabellio, cited at 13. If it conceals acts, or if to a party petitioning it denies the transcribed process. 14. He gravely sins, if, having lost an ancient public instrument or testament, he fabricates another similar one. 231. — As to Notaries, it should be noted I. that infamy, whether of law or fact, does not render instruments void, number 2. Note II.

Clerics in sacred orders, or those having a benefice, cannot exercise the office of Notary, nor even in public ecclesiastical forum; otherwise, n. 5. Note III. quod tabeliones necesse est recipere aliquid a litigantibus ultra pretium justu: Sed dubium est an lex taxam ipsi statuens obliget in con scientia? They affirm, however, according to Na. c. 5, n. 18, that it is a just law. But they deny it, because this law is penal, or at least mixed, and therefore does not obligate in conscience (as they hold regarding mixed laws). Lugo also denies it, but for another reason, namely, since Tabelliones and other ministers of justice should live on the stipends of their own office, and over time prices and expenses increase according to custom concerning food and clothing, thus they do not unjustly demand something above the tax; especially if account is taken of the circumstances of labor and expertise. And they say this is Lugo's judgment.

Moreover, speaking generally, D D teach that these Tabelliones commit a sin if they receive beyond the just reward, something else, even as a gift, from the parties, because such gifts are offered under compulsion, not spontaneously. Thus Naon. c. 5. n. 22. They nevertheless point out that a Tabellion can properly receive extraordinary remuneration if he provides extraordinary labor, namely, if he is compelled to perform it more quickly than he would be ready, transcribe copies, travel to distant places, or work at night, etc. 232. — « 5. The procurator sins, namely if he procure an unjust lawsuit. "2. Procurator peccat, id est, si litem procuret injustam."

If he undertake more causes than he can dispose of properly » (Ita Pa-

norm. et Caj. cum n. 4.) » 3. If one receive more in reward than is just. 4. If he persuade the accused or party that they should unjustly deny the truth. If the cause of the lawsuit's loss is his negligence, carelessness, or some other fault. 6. If by the name of the party he swears, without particular knowledge of his own, with danger of perjury. 7.

If the tribunal culpably does not attend, out of fear of future inconveniences, etc., see Escob. c. p. 4. If he brings parties to an unjust agreement. If he defer the cause, or pervert the judge, or petition irrelevant terms, or seek unnecessary delays. » 10. If false witnesses are induced.

See Sayr. l. 12. c. 14. Chapter 10, note 294. Trall. l. 8. c. 6. dub. i. (Vide) 233: — Question NoneI.

Whether a Procurator, if he have an Advocate or a Notary who serve gratuitously, can retain just remuneration due to him from them? Resegnati: if the Advocate or Tabellion serve more in the interest of the Client, according to Bon. cap. 5, n. 6. Si autem serviant in gratiam simul Procuratoris et Clientis, dicunt Bon. et Bass. ibid., quod tunc nihil etiam retinere possit, quia in dubio melior est conditio Clientis, qui possidet. But (I add) this runs in a doubt; for if indeed true remission is made with regard to the procurator, why then will he not be able to retain at least part of the price according to the prudent judgment? Now, understand this: unless the donation is absolutely made to the Client, even though it be for the sake of the Procurator's grace.

It is asked II. And if the Procurator substitutes another Procurator, can he hand over a portion of the salary to that other person and retain a portion for himself? They affirm concerning secular procurators. DUB. V. 8th probably. n. 7. cum.

Scribe. Bank. At this manner let him admonish concerning the matters to be done, and furthermore let himself also receive in himself the danger of the cause, if perchance on account of negligence the cause of the Substitute is lost: For the Procurator is bound even by a slight fault regarding the defense of the cause: For here there intervenes a double just contract, one with the Client, and another with the Substitute. It is asked about III. Whether, if the procurator himself offers to defend the cause, he can demand a just reward?

Others deny it; but Bassæus affirms that unless from the beginning he had in his mind to give his work, or unless the Client be a friend or a kinsman,

and the Procurator taking up the cause, no thought will have given itself concerning price, for then they say the Doctors have declared their wish to defend gratis. But I, as one less wise, say that unless the Procurator certainly knows that he has given his labor, he can always receive a just price; for no one is presumed to have given something unless it be proven, since to give is to lose. Nay, even if he had internally given it away, unless such a donation had been accepted from a high source, he could still demand a salary according to what is said in regard to Contracts 1:3:n:725. But the client, if he is an amicus or consanguineus procurator, can then justly presume a donation, as they say according to n. 10. And to this doctrine I would not even assent, unless other circumstances concurred which made the presumption certain of a donation having been made.

It is asked IV. If anyone, while litigating, sends a Procurator to an Advocate, so that this Advocate might draft some petition or advice, but because the matter is easy, the Procurator himself composes the writing, and the Advocate merely subscribes it, whether the Procurator can thereby retain part of what the Client sends to the Advocate? They affirm that Bon., and not the party who already has what he seeks. They however deny n. 11: "but this reason does not prove otherwise than that the Procurator should retain a lesser pension for himself, but not none at all." ## DUBIUM V. ## What is the office of the Accuser? 234. What are the things to be avoided by the Accuser in order to preserve justice? — 238.

What are required for a legitimate accusation? — 236. Who are to be avoided in order to preserve justice against the Accuser? — 238. What are required for a legitimate accusation? — 236. An, et quis teneatur alium accusare vel denunciare? — 237.

Who is bound to accuse or denounce another? — 237. Are they bound to restitution of penalties, being held by official obligation to denounce, as custodes gabellarum are bound if they do not denounce? — 238. Who are forbidden to accuse? — 239. When is it illicit to denounce a crime? — 240. Should a fraternal correction precede the accusation? — 241.

When will it be licit to accuse without previous admonition? — 242. What is to be noted regarding the Denunciation of the Gospel? — 243. Questio prima. Is it permissible to defer the accusation of a crime against the Patriarch from the Prelate, omitting correction? Question.

II. — 244. Whether a crime can be denounced to a Prelate if the Accused is already amended? Qu. III. — 245. What in doubt, whether correction should be made better by the Prelate?

What. IV. Is it licit to renounce the law of fraternal correction? — 246. What is to be noted regarding the judicial denunciation? — 247. May those who are denounced by the Prelate be compelled to act as Evangelical denouncers in making a Judicial denunciation? — 248.

What is to be noted about Monitors? — 249. Is there an obligation to denounce Heretics with a severe threat of punishment? — 250. Are we bound to denounce Heretics connected with us? — 251. Which crimes are to be denounced as suspected heresy? — 252. Whether we are bound to denounce blasphemers when and how? — 253.

Whether superstitious persons are to be denounced? — 254. Whether it is to be denounced for being negligent in denouncing? 234. — « Resp. That justice may be preserved in accusations, three things must be guarded against. First is calumny, that is to say, the imposition of a false crime, or something which cannot be sufficiently proven otherwise. And this induces an obligation to restore and to undergo either the penalty of retaliation, (But this penalty has lost its force from general custom, as Coover and Gomez say in n. 4,) or another, at the discretion of the Judge.

Second is the perversion, that is, collusion with the criminal, and a pretended accusation solely: Which in criminal matters, if it results in damage to the Republic, induces an obligation of restitution. Third is evasiveness in the beginning of an accusation, without just cause. What I add is this: namely, when there is a cause, for instance, on account of the danger to the Prince or Judge that it would interfere with the Republic if such a person were not punished, nor disgraced, or because a substantial defect has been committed in the accusation; it can cease, nay, it must do so, if in the progress of the case he recognizes his error, begins to doubt about the crime, and sees himself unable to prove it. c. 7. n. 705. 235. — It is noteworthy that for a legitimate accusation five things are required. 1. That it may be written in the records, or at least recorded by Tabellion. That the name of the Accuser and of the Cause may be expressed there.

That the species of the crime may be expressed, and also the name of the accomplice, if it be a crime of adultery, sodomy, and similar offenses. 4. That the time, place of the crime, and even the hour may be expressed, if the Accused should request it. That the Accuser may subscribe to the accusation, so as thereby to be obligated to prove the crime, otherwise to undergo punishment. And hence there must be noted the difference between fraternal denunciation, judicial denunciation, and accusation. The fraternal denunciation is made to the Superior as to the Father, so that the Accused may be amended.

Legal denunciation is made to the Superior as Judge, so that the Accused may be punished; but without the obligation of proving the crime. Accusatio autem fit Judici, ut Reus mulcte- tur, cum obligatione delictum probandi, et ideo hæc omnino fieri debet in scriptis. Tantum DD. comm. See from no. 5. (V. Not.

X, p. 347.) 250. — "Quæres, an et quis teneatur alterum accusare? " Resp. 1. A private individual is rarely held to this; moreover, from practical experience there are many accusers; moreover, because other tribunals were full of accusations with disturbance to the Republic. Thus I said 1. Privatum; quia si quis à Republica stipendium ob hoc accipiat, v.g., fiscalis, etc., tenetur ex justitia, et conse- quenter ad damna, omissione accusationis secuta: pr. d. 10. q. 3. p. 1. « Dixi 2. Rarely; because, if he demands the public good, for instance, if a conspiracy imminent or grave harm to an innocent life cannot otherwise be averted and the crime can easily be proven, even a private individual is bound to accuse, or at least denounce; yet only out of charity, which does not imply restitution. » But these things are to be examined more closely.

It is asked whether we are sometimes bound to accuse another, or at least to denounce him? Assert in subsequent cases. And I. When it concerns common damage to be avoided, and the crime can be proven; for this very reason St. Thomas teaches in II-II. q. 68. art. 1., that there is an obligation to accuse. Crimina autem contra bonum commune sunt haeresis, rebellio, falsificatio monetarum, homicidia, et furta ab assassinis, vel ab iterantium Grassatoribus: alii addunt suborationem suffragiorum in cathedris, et in aliis electionibus.

And Lugo adds: peccatum Religiosi, quod probabiliter damnum Religioni afferet. Si vero crimine probari nequit, sufficit ut reus denuncietur. And commonly it appears that the Doctors conclude that it is sufficient in these times for a crime to be denounced, so that men may not be deterred from denouncing crimes with serious harm to the community, out of fear that if the accusation is not proven, they will incur the punishment. Thus Lugo says in the matter of justice. Doctor 38. section 1. number 2. book 6. chapter 2.

Decretum, caput 2, numen 2, distinguitur capitulum 2, numen 10. And thus servants and sons are also bound to denounce the faults of the lord and the father tending toward common detriment, as with those same matters. If however a crime has already been committed and no damage threatens henceforth, because the perpetrator is already established as condemned (excepting the crime of heresy), there is no obligation to

denounce, as . 11. II. We are bound to report the crime if a serious damage threatens the innocent.

As to which I also held that we should be bound then to accuse the Accused, if we can prove the crime, as n. 12 says; I think this is difficult to happen, since this obligation arises solely from charity, which does not bind when there is a serious inconvenience: for accusers usually endure this; much more so, if both denunciation and accusation sufficiently impede damage. But I add that even he would not be bound to denounce who prudently feared to suffer a grave inconvenience from the denunciation; unless a common damage were imminent. III. They are bound to denounce or accuse a crime, as stated in Fil. c. 2 n. 13. 237. — But whether those who are bound to do so are also bound to restore the value if they do not denounce? They very probably affirm Sotus I. 1. de just. qu. 6. art. 6. or 9. . 3. s. 5. tr. 2. c. 7. num. 4.

Mol. tom. 1. tr. 2. Doctor 95, number 36. Sporer, tom. 1, cap. 3, num. 59, with P. Nao. I. 2. c. 13. num. 73. Lugo de Contr.

D. 37. n. 102. n. 136. lib. 10. D. 8. n. 14. cum item. Diana 3. p. tr. 6. Reply 35 with Aragon. Reason, because the penal law does not intend that the Fisc or the Lord be much defrauded, but that they themselves be kept indemnified and that transgressors be punished.

However, indirectly and by accident the law provides a right, so that damages may be claimed thereafter; yet before that neither the Fisc nor the Lord has any right to punishment. Whereas fiscal officials do not sin against legal justice by not denouncing offenses, but they do not sin against commutative justice with respect to a fine, and therefore they are bound only to restore the damage to the revenues which merchants should have paid. They say the same in 37th note 97 with Salas etc. (against that) concerning a judge not pronouncing a sentence regarding fines against convicted defendants. They hold likewise in the eleventh chapter, second section, number seventy-six. IV.

Sometimes it is held that someone ought to denounce, nay even accuse, a delinquent, if this is necessary to avoid, or to remedy damage to one's own family, which otherwise would remain dishonored or destitute of sustenance. Thus. I. 6. c. 3. Dub. 26. n. 4. and 7. etc. ap. And it notes there that the Judge is sometimes able to compel the injured party for the sake of the common good, so as to declare such a thing, who has injured him, so that thereby one can proceed to inquire; understand when truly other common damage threatens, for example, conspiracy, error in faith, and similar matters.

But except in these cases, no one is bound to accuse another; and although he may do so without hatred if he accuses with zeal for justice; yet it will be difficult for him who brings an accusation against his own offender out of a spirit of revenge, since the very nature of accusation aims at punishment, as we said regarding Prac. Caritas. I. 2. n. 29. v. It is permitted. 238. — "Resp. 2. It is prohibited to accuse.

Excommunicated, traitors, infamous ones; this is for the punishment of the crime. Children, servants, » their parents, or masters, out of reverence. 3. Clerics in cause of blood, on account of indecency. . 2. c. 30. d. 6. It is asked, by whom are accusations prohibited? I. Quæritis, quinam prohibeantur accusare?

Ex-communiated are prohibited from being accused; infamous, public concubines or usurers, those accused of major crimes, unless they first demonstrate their innocence, likewise females and minors. Receive nevertheless. If these persons allege their own cause, or that of their relations up to the sixth degree, four. If the crime is against the Divine Law or Human Law, its violation causes harm to a third party. 3. If the crime is against the good of another.

Quicumque autem, etsi non possit accusare, potest la mendem munciare. See. c. 2. n. 2 6. He who, although he cannot accuse, can nevertheless denounce the fault. Parents can accuse children, nor conversely; nor slaves the masters—unless there be a crime against the authority or heresy. . 2 7. III.

Even clerics cannot be accused, unless a cleric is a dissipator of goods of the Church, heretical, simoniacal, sacrilegious, etc. Either for no reason at all, or seeks to prosecute them. Item clerici accusare possunt laicos, aut religiosos, quia tamen religiosi se ejusdem ordinis accusare possunt. . 2 8. But it is inquired whether a Religious can accuse his own Prelate? It is affirmed. exc. From the excess of the Accus.

Three thereof have been held. I. That monks are to be defended from the accusation of prelates by a regular judge or competent one. 2. That if any thoughts are directed to the profit of the monastery, they ought to be ministered for the benefit of those who do not possess them. 3. That monks also cannot accuse laics without the license of the abbot.

V. 2. n. 3 et 31. I V. An enemy is repelled by a cudgel and by the rod of a delinquent. How it bears concerning the Accus. Ethos valet etiam in

crimine exceptis, ut supra, praeter haeresim.

It is common with. 2. ex nihilo. 3 5. Ratingem, quatenus præsumitur accusatio semper procedere ex affectu vindictæ. V. The associate of the crime is also repelled by law L. fin. C. de Accus.

However, they are excused insofar as these crimes—heresy, treason against majesty, counterfeiting of money, sodomy, theft, and any other offenses that can be committed with a partner—are concerned. See. 2. n. 3 7. I V. Clerics cannot accuse in matters of blood, exc. Priest - gift. 2. q. 7.

It is doubtful whether clerics can accuse in matters of blood harm, to their own injury or that of others, or of the Church's. A fide firma, dummodo clericus (sitis causa sanguinis) præmittat expressam protestationem; senon intendere ut judex ad pœnam sanguinis procedat; tunc enim etiamsi reus admittat mortem damnetur, irregularitas effugiet. It holds according to Ex. 2. de Homic. in n. 6. See. 2. n. 3 et 40. et see L. 7. n. 468 ad III. By their names and those of theirs, who will come?

Any who wish to come with a bloody sword shall ascend to glory. And another to the seventh or sixth. Another - to 4. But they hold that names are either servants or masters; and the text, as above, grants to clerics the right to accuse their own malefactors and proximate kin. Nevertheless themselves.

Concilium probabiliter permittunt accusare ad reparationem damni cognatorum usque ad quartum gradum. Vided. L. 7. n. 4 6 8 ad III. 2 3 9. — "Resp. 3. Not having, even if you should be able to, and even with the superior command, you must denounce the crime. I. Nonteneris, imonec debes, etiam positore superioris præcepto, denunciare crimen.

Sidelinquens semen - "datu est, sine periculo recidendi, et partilæ sæest satisfactum" "nec periculum imminet aliis: nec criminest notorium; quia sine causa proximi infamiae sequeretur." You see above L. 2. f. 3. "c. 2. d. 4. I I. Thus you must be silent under natural secrecy, as a "consultor," an "advocate," etc.; yet not if he has sent in secret, to absolve an innocent person, or lest he would suffer wrong from the unjust. C. de Lugo de justitia et jure I f. 14 n. 14:2.

III. If indeed there is a serious danger to your honor, life, and affairs. IV. Therefore, an imminent and serious danger to honor, life, and your possessions. If » and even you would be compelled to prove it, nor could you. See C. de Lugo, dist. 38.

Section 2. 240. — Whether correction of a brother should precede an accusation? Multiple distinctions are to be made here. And I. Si delictum est publicum, quia de eo est infamia vel notorietas, nam coram pluribus in platea, tunc nulla correctio præmitenda est. Thus S. Thom. 2. 2. q. 53. a. 7. d. 28. n. 5.

The wicked. Palud. et n. 20. cum communi. Reason, because then it is not merely (according to the words of St. Thomas) a remedy that must be applied to him who has sinned; but also to others whose knowledge (of the crime) deserves correction. And thus the crime must be punished publicly. II.

If the crime is not public, even though known to few, then correction should be preferred if there is hope for fruit: because in that case it is not the common good that should be disregarded, but the sinner's own good, who will more easily be amended through secret admonition rather than public punishment, as stated in c. Si peccaverit 2. q. 1. Thus Sot. Caj. . cum n. 24. He nevertheless notes, Chapter 2, Article 30, Numbers 10 and 12, and Palaus agrees that, if you can prove a crime in court (for example, through two witnesses), then it is permissible to admonish your neighbor out of charity before the accusation, so that he may desist from the crime; yet you do not thereby commit an injustice by accusing him, because punishment of crimes always benefits the common good. And then is the Judge bound to receive the accusation and proceed in the cause, if otherwise there would hold scandal in the Republic to ensue.

Likewise, if scandal is absent, because then the Judge would be bound by the precept of natural charity not to accept the accusation. Thus n. 47 and 48. 241. — You do not sin, nor do you act contrary to justice nor contrary to charity, if you accuse without previous warning in two cases, I. When there is a crime against the damage to the Republic, such as conspiracy, an offense against high Majesty, etc., if it be manifest heresy for which Proposition 5 has been condemned in the »Ratio«, because in these crimes never or very rarely is hope of fruit expected from correction, and delay can greatly harm. Thus, according to chapter number thirteen in part eight, and chapter two with regard to common matters. II.

When by another way thou canst not repay the harm suffered to thee with reparation, unless thou accuse the invader; for then he can be accused so that at least through punishment the injury to thee may be repaired: provided that the desire for vengeance be absent (which I consider very difficult): it is worthwhile to note something concerning denunciation, which as was said above is of two kinds. Another which is referred to the

Superior and Father for the amendment of the matter; another Judicial, which is referred to the Superior that he may judge. — And first as regards the Evangelical Denunciation, or Paternal, it is to be noted I. That is to say, si crimen proximi est Reipub. vel Communitati perniciosum, quamvis sit occultum, statim Prelato lenuntiiari debet, nulla fraterna correctione præmissa, ut com- DE OFFICIO SÆCULARIUM. DOUBT. V. 8j muniter docent D D. cum S. Th. 2. 2. q. 33. art. 7. et . 3. tract. 3. p. 2. c. 4. n. 4.

If, however, a criminal offense is not harmful to the Community but is damaging solely to the one who has committed the crime, then the order of correction handed down in the Gospel according to Matthew 18:15 must be observed, where it reads: "But if your brother shall have sinned against you, go and correct him between you and him alone." Si te audierit, lucratus eris fratrem tuum; » si autem te non audierit, adhibe tecum unum vel duos, ut in » ore duorum vel trium testium stet omne verbum; Quod si non » audierit eos, dic Ecclesiæ. » Notandum II. Wherefore if after secret correction the brother doth not amend, then the crime is to be denounced to the Prelate as Father, that he may correct it paternally. Thus S. Th. d. q. 33. a. 8. ad 4. cum.

Saint at the same place and chapter number six. Reason why the Superior, as spiritual Father, is more fit to console the brother than others; nor is it seemly in the congregation that others should know the crime before the Prelate, who can bring a salutary remedy more appropriately. 243. — But it is asked I. Whether it is licit to defer a crime occultum to the Prælato as to a Patri, a secret correction having been omitted which would not be pernicious to the Communitati. There are three opinions. The first one generally affirms with the Angel. v.

Denunciation, n. 10. and Gabr. l. 3. de Just. tr. 3. c. 4. n. 5., who say that this at least is permitted in religions for the good of common observance; the second opinion entirely opposed to this with Adrian. Decretum, lib. 6, cap. 18, n. 46, tenet necessario praemittendam esse correctionem secretam. The third opinion, far more common and far more probable, teaches that it can be suitably denounced to a Prelate as Father, prudentially, without any previous correction, if one hopes thereby to achieve better amendment of the brother. The reason is evident, because the end of this precept of fraternal correction, as S. Th. and others say below, is none other than charity towards the brother; But this end of charity has a twofold aspect, one principal, another less principal. The principal end is that the brother be corrected; and therefore correction is prescribed: The secondary end is that the reputation of the brother be preserved as much as possible; and therefore the order of secret correction to be preceded is prescribed; whence, since it is believed more expedient

for the principal end, namely the correction of the brother, to be attained by immediate correction from the Prelate, the secondary end should cease, and thus rightly the order of secret correction should be omitted.

Thus St. Thomas. What if not. XI. art. 13. Wherein the Holy Doctor distinguishes Inquisition, Accusation, and Denunciation, in which he says that the end thereof is to be observed, namely, that a brother may be denounced: "Whether (he adds) it should be immediately denounced by the Prelate when one knows his own brother to have sinned, I say that distinction must be made concerning the conditions of Subordinates and Prelates; For, if I know that the brother will be corrected through me, then I ought not to denounce this to the Prelate; But if it seems better that this be done by the Prelate, and the Prelate is pious, discreet, and spiritual, without malice or hatred against him, then I ought not to do so." IV, ON PARTICULAR PRECEPTS, CHAP. III. Bulla Ascendente Domino addidit excommunicationem contra tales Constitutiones impugnantes.

Wherefore I deem Philarchus to have spoken foolishly by branding this Constitution of renunciation from the Society of Jesus with a mark of impiety, since the Church cannot err in the approval of Religions and of its own Regulars, as Bellarmine teaches. For the prologue to their approval pertains to a matter of morals, in which it is at least impious and rash to say that the Pontiff can err, according to our Dissertation adduced I. 1. n. 110. Palaus n. 8 admonet tamen quod talis renunciation non dat potentiam manifestandi delictum alterius nisi in casu dubii de emendatione, id est (ut explicat punct. 12 n. 4) si dubitetur an delinquens fuerit emendatus vel an sit relapsurus; quia e converso, si constet de emendatione et nullum sit periculum relabendi, recte probabilibus censet non posse criminem deferri ad Superiorem dum ex Declaratione in Congreg. 7 ipsiusmet Societatis dicitur revelatio facienda esse tantum iis qui remedium adhibere potuerunt. Therefore, ceasing the necessity of remedy, cannot the crime be manifested. Moreover, Palaus likewise notes in q. 9. n. 7., that said renunciation is made so that the crime may be revealed to the Prelate, namely as Father and not as Judge. 246. — This concerning the Evangelical Denunciation; as regards the pre-emptive Judicial Denunciation, this is done for a triple purpose, i.

For the punishment of a public crime. 2. That damage may be restored. 3. That a person may be deprived of an office as unworthy, or that an unworthy person may not be chosen, or promoted to the orders, or may not contract matrimony. And of this legal denunciation, especially this shall be treated. And it is to be noted that fraternal correction is not necessarily always to be placed before denunciation to the judiciary, according to what was stated above in no. 239.

Notandum II, quod Denunciatio Evangelica transire potest in Judicialem ex communi sententia, quando post Evangelicam Reus non corrigitur; cum Notandum III, quod si Prælatus aut per Denunciationem Evangelicam, aut per se, aut per indicia sufficientia noverit subditi delictum, primo poterit clam eum monere, poenitentiam secretam ei impungendo, et etiam illum ab Officio, et à Conventu amovendo; modo ex hoc nulla ei obveniat infamia. Deinde poterit ad alia remedia devenire; sed licet ista nec etiam profuerint, et crimen vertat in damnum solius Rei, nunc non poterit judicialiter procedere, nisi crimen probari possit saltem per duos testes. See from no. 55. IV. Notandum, quod qui fraternam fecerit denunciationem, potest inde post factam judicialiter denunciationem ut testis adhiberi, ut tenent cum 247. — Sed quæritur I. Whether, if a crime is hidden, neither 1. [the criminal] escapes infamy, and fraternal denunciation is not corrected, can 1. [the prelate] compel denunciations from evangelicals to make them perform denunciations for the secular office.

DUB. V. 9t citationem iudicialem, et inde juxta illam reum poenis juris puniri? The first judgment affirms with Soto, c. 6, n. 61: whenever any crime could be proven by at least two witnesses; and to this judgment l. 6, c. 2, d. 11, n. 33z, and Naunay consent. Sol. apud n. 60. casu, quo adsit spes, quod delinquens ob poenas emendabitur; secus autem, isti dicunt, si talis spes non effulgat, tunc enim vix permittunt posse Reum clam excommunicari. However, the second opinion altogether more probabiliy contradicts with n. 61 and 62: that is, always and from a crime no damage may ever come to the Community or to individuals.

Reason, because then the delinquent still possesses a reputation; and punishment is not necessary for the common good when the crime is not public. But this must be noted with Palao, Torres, and others, namely that in such a case a Prelate may indeed manifest the crime to some prudent men, if he judges it necessary for the immediate application of a remedy. Notandum 2., quod Prælatus inferior, si ipse possit per se subditum corrigere, peccabit, si crimen Superiori manifestabit. Ita 248. — Question NoneII. whether, if by public edict or admonitory command it be ordered that all crimes be denounced, there is required?

Resp. quando crimina sunt notoria, procul dubio quilibet ea denunciare tenetur; secus vero, si sint occulta, etiamsi probari possint per duos testes; nisi crimina vergant in damnum Communitatis, aut tertii; cum hac tamen differentia, quod in criminibus in damnum tertii, tenemur fraternam monitionem præmittere, et correctione obtenta, denunciatio judicialis est omittenda; si autem Reus non corrigatur, tunc judicialiter tenendum est

eum denunciare; dummodo possimus sine gravi nostro incommodo, ut n. 82. In criminalibus autem in damnum commune, nulla prævia monitione, etiam cum gravi nostro damno, denunciationem judicialem proferre tenemur. Even though even in these matters St. Thomas teaches in II-II, q. 33, a. 7 thus: "Unless someone firmly believes that such evils can be prevented immediately through secret admonition." But this has rarely happened. This is generally taught by the Doctors: See from no. 79.

But it must be noted that he who knows a sin under the seal of secrecy is not bound to denounce that, in order to provide the sinner with a remedy or counsel, because positive law cannot derogate from the law of nature. Thus S. Th. 2. 2. q. 70. art. 1 ad 2. d. 20. and n. 83. with Notandum II quod, si quis rem aliquam accepit in compen- sationem sui certi crediti, non tenetur manifestare, quia edic- tum imponens Denunciationem intelligit loqui tantùm de rcbus injuste acceptis. Thus and in like manner. Syllogism. They also say. Doubt. 24. n. 3. and with it.

Even so concerning the debtor of a thing stolen, who on account of poverty is excused from restitution. The said thing, then it is lawful for him to denounce this to himself: And then the Church does not say this, because it does not suit the Prelate, but suits the person engaged in the correction of one's neighbor and in amendment. And a little later he adds: "Therefore this must be held as a rule, that charity should always be observed in all these matters, and what seems more expedient and greater." And si hoc intendat, scilicet emendam pro ximi, servet quantum potest bonum charitatis, tunc denunciando non peccat. The same is taught by St. Bonaventure in that passage of St. Luke: If he shall have sinned, etc., c. 17. And thus they say, c. 18. n. 46. with St. Augustine.

He grasps. From Abulensis. Salmers. Yes. Valdes.

Armour. Grave. Arm. Manual. 1.3. tr. 3. p. 2. c. 4. num. 5. cum sobot. Henry? By a prelate to be denounced?

They affirm that the angel V. Denunciation n.10. d. n. 5. because they say that it is always necessary to report, so that the prelate may know the faults of his subordinates. But it must be denied with St. Thomas. What they say in question libel number ten, chapter number five, because they always claim to provide so that the prelate may know the faults of his subordinates. XI. article 13. note 49. and others.

But rather it should be said (he says), if there is a doubt whether the brother is fully corrected, or in a probable danger of being dismissed, or

whether the danger has fully ceased: because then the crime can well be referred to the Patriarch from the Prelate, since first it must be considered for the benefit of the brother and for the good of the Religion rather than for slight damage to that reputation. 248. — Inquiry III. What if there is doubt whether correction should be made by the Prelate, or whether the Prelate is proceeding prudently? Respondet n. 47. quod nisi crimine vertat in damnum commune vel alterius privati secreti correctionis praemittendum est. But this must be noted I. That in a doubt, unless it is certain regarding imprudence, in religious institutions (as noted in n. 5).

Nevertheless, facter are presumed prudent. II. Adverteendum: id quod ibidem notat idem: nam tum quia prælati sunt viri pii et prudentes qui magis ex admonitione profici possunt; tum quia ipsi magis idonei sunt ad emendandum crimen et ad occasiones relapsus amovendas. Nam, ut rectè dicunt sectio sexta n. 12 et caput sextum c. 16 n. 50: vel peccatum religiosi est leve; et tunc cum infamia sit levis, maior plerumque utilitas ex denunciatione proveniet quam damnum fratris erit. Præterquam quod hujusmodi consuetudo denunciandi prælato levia delicta ut ait Suarez est quasi necessaria ad conservandum statum religionis: vel crimen fratris est grave; et tunc aut frater peccavit ex fragilitate, et melius occurret superior occasiones auferendo quod alius nequit praestare; aut ex malitia, tunc rarissime ex monitione fratris speratur emenda ut dicit Cæt. Qui asserit rectius dubitandum: quod reus ex correctione secreta potius fingat se emendatum quam emendetur. They add rightly. ON THE OFFICE OF SECULARS. DUB.

VIII. 89 ut fieri possit, quod peccata Religiosorum non redundent in maximum detrimentum Religionis, neque propter scandalum fratrum, neque propter infamiam Religionis. Hence Suarez says that all serious crimes can be well denounced to the Prelate as harmful to the Community; indeed often there is an obligation to denounce them, especially if the Prelate asks; at least, says Sanchez, it is very expedient that the Prelate know the faults of his brethren, so that he may more properly remove the sources of danger. I add furthermore, that it would easily happen as a great inconvenience if crimes could not be denounced to superiors before private admonition; for if from that admonition he does not amend (which is most to be feared, as we noted above with ; or you through fear of such things omit to denounce, and thus the crime will not be amended, scandals will increase, and so consequently the good of the community will be corrupted. Wherefore from all these things rightly concludes at the end that it is rare in a Congregation of Religious for subordinates to be suitable and proper as correctors, as prelates are for correcting: And thus in cap. How and when 25. Regarding the order observed in accusation, denunciation, and inquiry, it is concluded thus: "Nevertheless, we do not

believe that this order concerning regulars should be observed without exception."

"Question IV." Whether it is licit to renounce the right of fraternal correction, so that the crime may be referred to a Superior without any preliminary correction? There are three opinions: The more common opinion affirms this, and this is taught by the 6th canon, chapter 18, number 43. Tourn. tom. 3. p. 341. n. 5. Palaus tr. 6.

Dub. 9. n. 4. . 8. sect. 6. num. 12. Article 1. Chapter 21. Number 87. Reason, because for a good end each one can renounce his own right, and therefore many holy men have ceased to be renowned in their reputation. It is confirmed according to D. Thom 2. 2. qu. 73. art. 4. ad 1., who says « it is within one's own discretion to bear damage to one's reputation, unless this involves a danger to others ». The second opinion absolutely denies this, and they hold it in 1. part., 2. lib., 4. cap., 14., likewise n. 85.

Reason, because no one can squander the right he has over his own reputation. The third opinion, which Arauso and Prado hold, maintains that although each one can renounce the order of correction for a worthy reason, nevertheless such an order should not be omitted by another unless it is prudently believed that correction will more effectively take place through the Prelate; but this opinion is rightly contradicted on page 139, note 23. Si ergo quisque potest hoc ius cedere, bene poterit alius eius cessionem uti. Tamen his non obstantibus, prima sententia omnino ut vera tenenda mihi videtur; ratio quæ mihi sufficit est, quia in Societate IESU adest conquisitio hujusmodi renunciationis, et ipsa fuit approbata à Paulo III et Julio III (ut testatur Palaus. l. c.) qui approbarunt et confirmarunt Institutum et omnes Constitutiones praefatae Societatis et præcipue eas quæ contradictiones patiebatur; Imò Gregorius XIII in dictum, tunc licite potest hoc denunciare sibi: Et tunc non dicit Ecclesiae, quia non ei congruent Praetextu, sed congruent personae proficiendi ad correctionem proximi et emendam. And a little later he adds: Therefore this must be held as a rule to be observed in all these things always, namely charity, and what appears more expedient and better.

And si hoc intendat, scilicet emendam pro-ximi, servet quantùm potest bonum charitatis, tunc denunciando non peccat. The same teaches S. Bonaventura in that passage of S. Luke: If he hath sinned, etc., c. 17. And thus they say, c. 18. n. 46. (cf. S. Augustine. He grasps. From Abulensis. Salmers.

Yes. Valdes. Armour. Grave. Arm.

Manuel. 1.3. tr. 3. p. 2. c. 4. num. 5. cum Sot. Henry . 244. — Question NoneII. Whether, if the Accused is amended, a crime can be denounced to the Prelate? They affirm that an angel is.

Denunciation n.10 according to n. 5 because they say always to provide so that the prelate may know the faults of his subordinates. But it must be denied with St. Thomas. What they say in question 5, article 10, namely that they always declare, so that the prelate may know the vices of his subordinates. XI. article 13. note 49. and others. But rather it should be said (he says), if there is a doubt whether the brother is perfectly corrected, or whether he is in a probable danger of being delivered, or whether the danger has completely ceased due to a relapse: because then it can very well be that the crime may be referred to the Patriarch from the Prelate, since first it should be considered the welfare of the brother and the good of the Religion rather than slight damage to his reputation. 245. — Question III.

What if there is doubt whether correction should be made by the Prelate, or whether the Prelate is proceeding prudently? Respondet n. 47. quod nisi crimine vertatur in damnum commune vel alterius privati, secreti correctionis præmittendi debet. But this is to be noted I. That in a doubt, unless it is certain that there is imprudence, in matters of religious institution (as noted in n. 5). I confess, however. The prelates are presumed to be prudent.

II. Adverteendum: id quod ibidem notat idem: primum quia prelati sunt viri pii et prudentes qui magis ex admonitione profici possunt; secundo quia ipsi magis idonei sunt ad emendandum crimine et ad occasiones relapsus amovendas: nam ut rectè dicunt sectio sexta n. 12 et caput sextum n. 50: vel peccatum religiosi est leve, et tunc cum infamia sit levis, maior plerumque utilitas ex denunciatione proveniet quam damnum fratris erit; praeterea quod hujusmodi consuetudo denunciandi prelatis levia delicta ut ait Suarez est quasi necessaria ad statum religionis conservandum: vel crimen fratris est grave, et tunc aut frater peccavit ex fragilitate et melius occurret superior occasiones auferendo quod alius nequit praestare; aut ex malitia, tunc rarissime ex monitione fratris speratur emenda ut dicit cum Cajet. qui asserit rectius dubitandum quod reus ex correctione secreta potius fingat se emendatum quam emendetur. They rightly add that it is scarcely possible for the crimes of Religious to result in the greatest damage to Religion, whether through the scandal of the brethren or through the infamy of Religion. Hence Suarez says: all grave crimes can be well denounced to a Prelate as being pernicious to the Community; rather, it is often an obligation to denounce them, especially if the Prelate asks; at

least Sanchez says that it is very expedient for the Prelate to know the vices of his brethren, so that he may more easily remove the lapses and perils. I add furthermore, that it would easily happen as a great inconvenience if crimes could not be denounced to the Prelates before private admonition; for if from that admonition the sinner does not amend (which is most to be feared, as we noted above with ; or you through fear of such things omit to denounce, and thus the crime will not be amended, scandals will increase, and thereby also the good of the Community will be corrupted. Wherefore from all these things rightly concludes at the end that it is rare in a Congregation of Religious for subjects to be equally fit as Prelates to correct; and therefore in cap. Quæiter, and when 25.

Regarding the accusation reported in accordance with the order of the Inquisition, accusation, and denunciation, it is concluded thus: "Nevertheless, we do not believe that this order concerning regulars should be observed without exception." "Questioning IV." Whether it is licit to remain under the law of fraternal correction, so that the crime may be referred to the Superior without any previous correction? There are three opinions: The more common opinion affirms this, and this is taught by the 6th canon, chapter 18, number 43. Tourn. tom. 3. p. 34. n. 5.

Palaces trans. 6. Dub. 9. n. 4. . 8. sect. 6. num. 12. Moreover, t. 21. c. 7. n. 87. Reason, because for a good end each one can renounce his own right, and therefore many holy men have ceased to be renowned for their reputation. It is confirmed according to D. Thom 2. 2. qu. 73. art. 4. ad 1., who says: "It is within one's own arbitrium to suffer a detriment to one's fame, unless this pertains to" the danger of others.

The second opinion absolutely denies this, and they hold it, namely in the first part, second book, fourth chapter, section fourteen, also note number eighty-five. Reason, because no one can squander the right he has over his own reputation. The third opinion, which Arauso and Prado hold, contends that although each one can renounce the correctional order for a worthy reason, such an order nevertheless should not be omitted by another unless it is prudently believed that correction will effectively be carried out through the Prelate; but this opinion is rightly contradicted on page 139, note 23. Si ergo quisque potest hoc ius cedere, bene poterit alius eius cessionem uti. Nevertheless, his objections not withstanding, the first opinion seems to me entirely true; The reason which suffices for me is that in the Society of Jesus there exists a constitution of this kind of renunciation, and it itself was approved by Paul III and Julius III (as attests Palaus. loc. cit.) who approved and confirmed the Institute, and all the Constitutions mentioned above of the said Society, and especially those which suffered opposition; But Gregory XIII in 90 LIB.

IV, ON SPECIFIC PRECEPTS, CHAP. III. The Bull Ascendente Domino added excommunication against those constitutions impugning it. Wherefore I deem Philarchus to have spoken foolishly by branding this Constitution of renunciation from the Society of Jesus with a mark of impiety, since the Church cannot err in the approval of Religions and of its own Regulars, as Bellarmine teaches. For the prologue to their approval pertains to a matter of moral theology, in which it is at least impious and rash to say that the Pontiff can err, according to our Dissertation adduced in book 1, number 110. Palaus n. 8 admonet quod talis renunciation non dat potentiam manifestandi delictum alterius nisi in casu dubii de emendatione, id est (ut explicat punct. 12 n. 4) si dubitetur an delinquens fuerit emendatus vel an sit relapsurus; quia e converso, si constet de emendatione et nullum sit periculum relabendi, recte probabiliis censet non posse criminem deferri ad Superiorem, dum ex Declaratione in Congreg. 7 ipsiusmet Societatis dicitur revelatio facienda esse tantum iis qui remedium adhibere potuerunt.

Therefore, ceasing the necessity of remedy, cannot the crime be manifested. Moreover, Palaus likewise observes in q. 9. n. 7., that said renunciation is made so that the crime may be revealed to the Prelate, namely as Father and not as Judge. 246. — This concerning the Evangelical Denunciation; as regards the pre-emptive Judicial Denunciation, this is done for a triple purpose, i. For the punishment of a public crime. 2. That damage may be restricted. 3. That a person may be deprived of an office as unworthy, or that an unworthy person may not be chosen, or promoted to orders, or that he may not contract matrimony.

And concerning this legal denunciation, especially should this be treated here. And it should be noted that fraternal correction is not necessarily to be preferred before judicial denunciation, according to what was stated above in no. 239. II. Notandum, quod Denunciatio Evangelica transire potest in Judicialem ex communi sententia, quando post Evangelicam Reus non corrigitur; cum III. Notandum, quod si Prælatus aut per Denunciationem Evangelicam, aut per se, aut per indicia sufficientia noverit subditi delictum, primò poterit clam eum monere, pœnitentiam secretam ei injungendo, et etiam illum ab Officio, et à Conventu amovendo; modò ex hoc nulla ei obveniat infamia. Then shall he proceed to other remedies; but although these too may fail to yield fruit, and the crime may amount merely to damage to a thing, now he cannot judicially proceed, unless the crime can be proved at least by two witnesses. See from no. 55.

IV. Notandum, quod qui fraternam fecerit denunciationem, potest inde

post factam judicialiter denunciationem ut testis adhiberi, ut tenent cum 247. — Sed quæritur I. Whether, if a crime is hidden and its infamy does not trouble, and having been fraternalistically denounced it is not corrected, a Prelate can compel Evangelical Denouncers to make denunciation according to the office of secular authority. DUB. V. 9t citationem judicalem, et inde juxta illam reum poenis juris puniri? The first judgment affirms with Sylo, c. 6, n. 61: whenever any crime could be proven by at least two witnesses; and to this judgment l. 6, c. 2, d. 11, n. 332, and Nao consent.

Sol. apud n. 60., casu quo adsit spes, quod delinquens ob poenas emendabitur; secus autem, isti dicunt, si talis spes non effulgat, tunc enim vix permittunt posse Reum clam excommunicari. However, the second opinion altogether more probabiliy contradicts with n. 61 and 62: that is, always and from a crime no damage may ever come to the Community or to individuals. Reason, because then the delinquent still possesses a reputation; and punishment is not necessary for the common good when the crime is not public. But this must be noted with Palao, Torres, and others, namely that in such a case a Prelate may indeed manifest the crime to some prudent men, if he judges it necessary for the immediate application of a remedy. Notandum 2., quod Prælatus inferior, si ipse possit per se subditum corrigere, peccabit, si crimen Superiori manifestabit.

Ita 248. — Question NoneII. whether, if by public edict or admonitory command it be ordered that all crimes be denounced, there is required? Resp. quando crimina sunt notoria, procul dubio quilibet ea denunciare tenetur; secus vero, si sint occulta, etiamsi probari possint per duos testes; nisi crimina vergant in damnum Communitatis, aut tertii; cum hac tamen differentia, quod in criminibus in damnum tertii, tenemur fraternam monitionem præmittere, et correctione obtenta, denunciatio judicialis est omittenda; si autem Reus non corrigatur, tunc judicialiter tenendum est eum denunciare; dummodo possimus sine gravi nostro incommodo, ut n. 82. In criminalibus autem in damnum commune, nulla prævia monitione, etiam cum gravi nostro damno, denunciationem judicialem proferre tenemur. Even though even in these matters St. Thomas teaches in 2. 2. q. 33. a 7: "Unless 'perhaps someone firmly believed that by means of secret admonition such evils could be prevented immediately.'"

"However, this surely has happened." This is generally taught by the Doctors: See from no. 79. But it must be noted that he who knows a sin under the seal of secrecy is not bound to denounce that, in order to provide the sinner with a remedy or counsel, because positive law cannot derogate from the law of nature. Thus S. Th. 2. 2. q. 70. art. 1 ad 2. d. 20.

and n. 83. with Notandum II quod, si quis rem aliquam accepit in compensationem sui certi crediti, non tenetur manifestare, quia edic- tum imponens Denunciationem intelligit loqui tantùm de rebus injustè acceptis. Thus and in like manner.

Syllogism. They also say. Doubt. 24. n. 3. and with it. As to the debtor of a thing stolen, who is excused from restitution on account of poverty. ## 9a AB. IV, ON THE PARTICULAR PRECEPTS, CHAPTER THREE. It is to be noted III, that no one, as was said above, is bound to denounce with his own great inconvenience, unless the crime results in damage to the commonwealth of the Republic or to Religion, such as crimes against the laesae Majestatis, heresy, etc. 249. — But from this point inquiry should be made.

III. Is there an obligation to denounce heretics with a grave risk of great damage? It must be distinguished whether those who are to be denounced solely as suspected of heresy, such as sorcerers, blasphemers, confessors soliciting, and those abusing the Sacraments, commonly it is not then an obligation. Yes. n. 89. Potestà de Nisi (they say) would be present if there were common damage, namely, if a Priest of great authority frequently solicited Penitents to confess, etc. But if those to be denounced are formal heretics, even then grave danger would not be excused unless they dogmatize and hold [to their views], p. 278, c. 3, n. 108.

But it is more correct to hold the opposite when dealing with Potestà d. n. 267. and with 280. — Question NoneIV. Are we bound to denounce those whom we have known as formal heretics in conjunction? Brothers without any doubt we are held to denounce. Fílios vèrù à dēnunciándīs pàrentibus exçūsānt. 105.

Concordantly therefrom Bon. Fill. But it must be said that all are bound by the denunciation for the same reason as above; because heresy is a plague so harmful that it has difficulty in remedy and easily leads to damage for the common good. Thus Q. 1. Response 3.

Bonaventura de dicta sexto, pagine secunda, numero tertio cum Farabuodo. De Iohanne, nummero centesimo sextodecim cum Cajetano et quinto, numero tredecimo. This, however, is said with regard to formal heretics. If, however, those to be denounced are suspected only of heresy, even sons are equally obligated to denounce their parents; Yet this is excessively rigorous, for then they are sufficiently probably excused from the accusation, not only the sons, but also relatives up to the fourth degree, as Diana and Bordon hold. Law. Homosexuales y otros ante las

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Reason, because to denounce a conjoint is equivalent to suffering either an inconvenience or a grave harm; which is rationally excused (when there is no danger of common damage), as we said in note n. 249. and they themselves say in n. 82. 281. — Question NoneV. What are the crimes to be denounced as suspected heresy? They are I. Marriages contracted while the spouse is alive, according to n. 6 with the common.

II. Clerics constituted in Sacred Orders, or Religious professed: even commonly III. If anyone celebrates Mass without the Priesthood, or completes another Sacrament: Thus according to the Constitutions of the Pontiff; see who extend to the celebrating Priest multiples in a day, or fasting not, without just cause. IV. Others equally consider the Confessor's seal to be suspect in regard to heresy, such as Vioa, and de Leone, and Quintan.

They deny this probably, Bonac. Mol. et communiori, nisi ille per errorem teneat non adesse hanc obligationem sigilli, vel istud non ita rigorose obstringere. V. They also extend with many to the crime of sodomy and bestiality, but they themselves speak for the Kingdoms of Spain; yet this does not hold in our parts. This nevertheless incidentally touches upon the matter of clerics and regulars who are sodomites according to the Constitution.

The Sovereign Pontiff S. Pius V is deprived of every office and benefice; manner one. Crime sit consummatum. II. The exercise of this crime is present: hence, it is not sufficient if it has been committed twice or thrice. III.

In addition, let there be the judgment of the Judge; for although the Bull says: By the authority of the present canon we permit; yet it seems to have been received in this way, as Bonaventure states in c. 282. — This is questioned henceforth VI. Whether blasphemies are to be denounced? It must be distinguished: Those who utter heretical blasphemy are certainly to be denounced. But this is noted by Potestà n. 219, that one who bursts forth in heretical blasphemy without attending to the meaning does not sin gravely; hence he is not to be denounced. But otherwise, if one blasphemes while being attentive to the meaning, even though it be out of anger: because then he is at least suspected of a light offense.

Moreover, probably Bon. l.c., part. 1, § 8, n. 5, in fine, and n. 170, q. 4. Resp. 3. cum de 1. n. 107., ubi aiunt ad obligationem denunciationis

requiri pertinaciam hominis denunciandi. But universally excusing from the obligation of denouncing blasphemous heretics, they always and themselves recover through correction. As regards simple blasphemers, it should be noted that formerly there were two obligations: one to reproach them, and this has fallen into disuse; in its place has come the obligation of correction, if hope of fruit is expected, as teaches 2 c. 32 n. 46. Palau, art. 2. in fine cum.

See the aforementioned [work] 1. 3. n. 123. You will ask, to what extent heretical blasphemies denounced in time to come shall be temporally blasphemous? Speaking generally about crimes suspected of heresy, according to the Edict of the General Inquisition of Rome, the time assigned for denunciations is a month from the day of knowledge of the law, and from the cessation of impediments, as Felix Possetà asserts on page 535. Mazzotta t. 1. pag. 276. quæst. 5. et Auctor libri Istruz. per li Novelli Confess. to. 2. c. 14. n. 284. Speaking however primarily of the time required for denouncing blasphemous heretics, Sporer says de 1.

Precept. n. 12. ex Decretis Alexandri. VII de Suspectis de Hær. et . titul. cap. 3. n. 129. (sed fortè hi 64 LIB. IV, ON PARTICULAR PRECEPTS, CHAP. III. speaks according to the Edict of the Spaniards: that they are to be denounced within six days; likewise Vioa de 1. Precept. Question 6., art. 2., n. 11., qui idem ait de denunciatione confessarii solumclicantis; sed Author praefatus (Instruz. ut supra) pro hac denunciatione assignat mensem: Vide num. 162 et 163. 283. — Question NoneVII.

Whether superstitions should be denounced? They affirm generally speaking, that if superstition arises with consciousness of sin and a suspicion is founded concerning heresy. And this they say: 1. When an expressed pact is made with a Demon. 2. When they sent therein holy things, namely chrism, sacred oil, and the sacred Host. 3.

If a Daemon is adored, or if nefarious prayers or even some Psalms are offered to him, which appear to be rendered in his honor, such as Psalm 108. Deus, laudem meam ne tacueris, etc. 4. When a Daemon is asked about those things which naturally he himself cannot know. When the effect arises from superstition. When anyone shall deliberately instruct others. 7.

When there occurs an express invocation of a Demon (even though, on account of this alone intervening, others excuse themselves from the obligation of denouncing). Thus. Pegna, et Si-mancas, vide. Precept. l. c. I spoke generally when I said that in this kingdom superstitions are

denounced only in which there intervenes the abuse of the Consecrated Host or of the Holy Oil; not however others. And this is the current practice; For these crimes, which pertain to the Mixed Forum, our present King Charles VI abdicated his censure when the sorcery was secular, as if it were ecclesiastical. 284. — Question VII. Are those who are bound to denounce them, and yet omit to do so, to be denounced?

If it concerns denouncing a heretic merely suspected, it is more probable to deny with Carena, and Lupo, and Potestà n. 284. Reason, because suspicion does not arise from suspicion. If, however, it concerns denouncing a heretic formally, Potestà says in n. 286 that those who are bound by Office to denounce must do so and neglect this; Likewise does he say about a witness who falsely denies a crime, or about one who dissuades from proper denunciation; because these are truly considered suspected of heresy unless the omission is made for a reason such as friendship, consanguinity, etc. Thus Potestà agrees with the common view. But others who do not denounce, although they themselves may be suspected of heresy, if they have no reason for concealing it, as they say in 1. Præcept. c. 3. num. 116. tenent tamen Lupus et Bordon apud Potestà non esse denunciandos ne detur processus in infinitum.

However, it should be noted on this matter I. No one is bound to denounce himself, nor his associates in crime, since this would be equivalent to denouncing himself. But if anyone is legitimately interrogated by a judge concerning a crime, he is bound to manifest both himself and his accomplices; Num. 104. with Cajet. . XI, pag. 347.) Notandum II. Certain is it that not only Regular Superiors, to whom directly the duty of denouncing is imposed by the Decree of Alexander, Seventh, edited in the year 1660; but all faithful ones are bound to denounce criminals of heresy, even those lightly suspected, as the Decree states; for at its conclusion the Pontiff decreed: This Decree shall be held everywhere intact and operative; and thus with a common sentiment it is established n. 104.

But well they observe that it is very little to be denounced him concerning whom there is suspicion based on slight indications, for example, if you hear a crime alleged by witnesses who are not worthy of much credit. Ita Nao. Sayer. Cordub. cum. n. 117. They warn that, in order for there to be an obligation to denounce someone, it is required that he be a proper heretic and obstinate; not merely if perchance through ignorance, fear, negligence, or a slip of the tongue, he has committed an injury which, if secretly corrected, would undoubtedly be considered an abjuration.

Thus. C. with others. Hence infer ibid. and Potestà n. 258. that it is very little to be denounced a simple and pious man, or a preacher who has

inadvertently uttered some heretical proposition through carelessness; for he is presumed not to have spoken from the heart. III. Notandum. According to common law from Extravagantes. We declare excommunicated those who knowingly neglect to denounce heretics, so that they incur a severe form of excommunication: although according to the edict of the Hispalensians, there is incurred excommunication by very fact itself, and it is reserved.

Whether, however, this reservation of excommunication is made in other Regions? They affirm n. 70, and Potestà n. 641, who assert the Decretum of S. C. But Lupus denies it in Potestà et Bon. i. c. See t. 2. Dubiurn VI. Concerning Witnesses. How they ought to be and testify as witnesses for the proof? — 288. Who are rejected? 1.

Servants. 2. Women. 3. Minors. 4. Infants. 5. Connected, and Domestic. 6.

Infames. 7. Perjury. 8. Partners in crime. 9. Persons poor and base. — 287. In quibus casibus sufficit dictum unius Testis? — 288.

What if one witness deponeth concerning one heretical proposition, and another concerning another? — 289. Do two witnesses always suffice to prove something? — 290. What kind of witnesses should there be, so that they fully prove it? — 291. Do laics repel being testified against by clerics? What is the converted thing? — 292.

Do foolish witnesses, as mentioned above, give testimony? — 293. Do the Religious approve in the cause of their own Monastery? — 294. Whether and when one is bound to testify? — 295. Whether a witness is bound to confess the truth to a judge who is not legitimately questioning him? — 296. When shall the Judge legitimately interrogate? — 297.

Is a witness bound to declare a crime revealed, if the accuser brings forward only one witness? — 298. Even if questioned legitimately by the judge, you are not bound to manifest a crime. I. An witness must be held to manifest the crime, if the Accuser brings forward a unique witness? If you know the matter from the Confession. II.

Under secrecy. III. If damage threatens you in secret. IV. If you have received from those who are not worthy of little trust.

V. If you have received something through injury. VI. If the other party probably did not sin. — 299. To what end is a false treaty held binding? — 300.

When shall witnesses sin? Dub. 1. Do they sin against justice if they hide themselves so that they are not cited? Dub 2. Whether, if they flee after citation?

Dub. 3. Whether if questioned they will conceal the truth? — 271. How is the deposit of faith to be handed over? Not. XII, p. 348.) 95 LIB.

IV, ON THE PARTICULAR COMMANDMENTS, CHAP. III. BIB. — "I SUPPOSE that for a legitimate and full proof in judgment two witnesses are required, and I owe these." By external sense perceived that, concerning which they testify: 2. Regarding the same fact and crime, with the same circumstances, to depose otherwise would make them single witnesses, as they are called, who do not provide full proof. To be greater than all exceptions, in which indeed no condition is desired that might prevent them from testifying, according to common opinion: Condition, sex, age, discretion, reputation, and fortune—these you require in witnesses. Hence they are rejected as witnesses. 1.

Servants, Question 2, Article 5. Not truly according to the law of Ciovius, both in civil matters of Ciovius and criminal matters, as Gomes says, apud [some reference]. 6. True; for to convict the accused, neither more nor even fewer women are sufficient. See » 3. Minors in years for criminal matters; in civil matters; but also minors for crimes.

These nevertheless, although insufficient for proof except in a loosely defined case of treason, will nonetheless found the indicum even for torture. n. 8 and 9. Enemies (Although they may have been reconciled, yet from recent enmity (otherwise, if it be from a long time). And this is also true in offenses against the laxe Majesty: And even though there has not been enmity with the Greeks, as they say in n. 12 according to the common opinion.) 5. Joined by blood. (Up to the fourth degree, as Salmantica ibid. n. 21 states, unless it be a crime of heresy.) See elsewhere concerning this point at 21); and domestic (as regards servants, colonists); except in certain cases according to 24. c. 3. n. 38. 6.

Infames (Sive jure, id est sententia, sive de facto. Of whom then are said to be infamous. Question 1, and notes 10 and 11.) Article 7. Perjury. 8. Partners in crime.

Receive if the crime is heresy, or maleficium, or such a thing that cannot be without a co-sinner in partnership with the patriarch. n. 15 et 16. Namque tamen duo socii criminis faciant saltem semiplenam probationem

contra tertium socium? It affirms dub. 17. But others deny it according to Salmanticensis, in number 53. Persons poor and lowly.

» Unless they are approved by veto. See no. 17.) 10. Delirium et semi-fatuus, auctore tamen illi qui solo jure positivo ad testandum sunt inhabiles, possunt admitti in criminibus exceptis. » 287. — 1. It is to be noted that a single witness is sufficient for proof in certain cases; for indeed I.

The testimony of one is sufficient to hinder an illicit marriage, according to chapter Praeterea 2. Of Spousals. It must, however, swear to certain knowledge of the impediment: and it is not sufficient that the witness be merely of hearsay, unless the impediment be of consanguinity, and another witness of certain knowledge be present, although this latter may depose without an oath. Thus it is stated in lib. 6, cap. 5, dist. 10, n. 1 and from n. 106. However, mere rumor is sufficient to impede Marriage.

II. The testimony of the bishop alone is sufficient to prove matters pertaining to his office in judicial affairs, if he testifies in his official document sealed with a seal: Sabmant. de Officio c. 3. n. 34. cum Bald. For punishing crimes against religious matters, the testimony of a single individual suffices if the crime is such that it cannot otherwise be proven. And thus, the Religious soliciting penance can have the penitent punished with some arbitrary punishment through that alone, but not with ordinary punishment. dist. 12. n. 4. Sam. ibid. n. 35. with others: And the same [authors] teach there further, that in grave crimes, which deserve a severe punishment, it is rightly held to be proper, and absolutely so against Peter and Paul.

IV. It must be believed that an official public witness testifies concerning a light crime; otherwise regarding a grave one; n. 36. And the same is said of an expert in his art, for example, if a midwife testifies that the death was caused by a wound; Samant. ibid. with others. V. A single witness proves when it concerns an injury to a minor: Likewise, a person proves who was appointed by the Testator to stand in his place in his will.

A single witness also attests to a miracle along with others. 288. — But this is queried: if one witness deposes concerning one proposition of heresy and another concerning another, whether these fully attest anyone to be a heretic? In general. But much less probingly does Lessius say in his book, volume 1, chapter 30, number 33: they deny that such witnesses make full proof even though they make more than half-proof. Reason, because, since heresy is not proven specifically beforehand, heresy cannot

be proven generally. Receive nevertheless the crime of solicitation in Confession, which is confirmed by singular witnesses, yet corroborated by other indications and presumptions. 289. — Excepting however the aforementioned cases, two witnesses are required and suffice to prove a cause, whether civil or criminal, according to Deut. 17:6: "In the mouth of two or three witnesses shall he that is slain be put to death." And from John 8.

The testimony of two men is true. Reason, because for the approval of human actions the certainty of moral and probable [evidence] is sufficient. Thus S. Th. 2. 2. q. 70. a. 2. de n. 43. commonly. Yet some cases are excepted from this, in which positive Law requires a greater number of witnesses, namely for proving wills, for condemning Bishops or Clerics; for demanding a Bishop, twelve witnesses are required, and for condemning a Priest or Clerk, at least more than two are required. See n. 44 and 47. 280. — Moreover, in order that the tests be fully approved, one is required.

That they may be witnesses, so that they agree not only in the substance of the act but also in the principal circumstances, namely, person, place, time, manner; unless the circumstances are of slight moment, one may say that an event occurred at the third hour, another at the fourth: one describes the time as tempestuous, another as serene, and similar things. Thus S. Th. 2. 2. Question 70. a. 2. ad 2. n. 47 et 48. It is required 4. II. That witnesses testify under oath, otherwise they do not approve, according to cap. 51. de quaest. 39. de »Requir«. III.

That witnesses have perceived the thing itself immediately externally in that sense by which a thing is perceived, namely, as if they had seen the west, heard blasphemy, etc. Only. Four. C. concerning §. Only q. 3. See notes 48 and 49 with Stho. Pom.

Table and common. Here it must be noted that even witnesses who testify to having heard something directly but mediately—such as through a wall, a curtain, or even seeing the speaker—are not sufficient for full proof, as stated in 50 and 51. This, however, applies to criminal cases, not to civil ones; except in a will, where it is required that witnesses not only hear but also see the testator speaking; according to 1. If not special, C. de Testam. Witnesses from hearsay alone, namely those who have heard a crime narrated by one or two witnesses from sight, neither fully approve nor even make semiplenary proof, as stated in n. 53 with Miranda, Farinac. and the common opinion of jurists. When however there are more accusers for the Defendant, and more against, it stands for the Defendant, as it is taught in 3.

Thomas 2. 2. q. 70. a. 2. ad 2. Even if the witnesses contrary are greater in dignity, as when Pan was. Med. etc. 261. — Add that Laici in criminal matters are repelled from testifying against Clericos according to c. 2, q. 12. In aliquo tamen casu possunt Episcopi uti laicis testibus probate vitae ad probanda crimina suorum subditorum: E converso clerici et religiosi possunt testificari contra laicos, etsi ad hoc non possint compelli; à judice seculari ex c. Quamquam. 14. q. 2. From the aforementioned text it clearly follows, that a cleric cannot testify before a secular judge without the permission of his superior.

Nam etiam testimonium clericus sine licentia prælati valere? It must be affirmed as probable according to 1. 6. c. 5. d. 17. n. 2., and, moreover, n. 28. against others who say that the testimony of a cleric is not valid, but then only when he deploys it under compulsion. It does not seem to be forbidden for clerics and religious to be witnesses in instruments; since this is nowhere prohibited: See 2. 1. 6. c. 13. n. 106, et . n. 29. 262. — To be noted first of all, that foolish witnesses (enumerated as above by Bus.) , if they depose, make some indication, but not a full one nor sufficient for torture: Nay rather, servants or those who are grievously hostile are entirely repelled. But if a crime has been committed by night, or in some secret place, then easily it is admitted. Then, if the witnesses are inept primarily on account of favor towards a party, such as enemies, clients, and so forth, if the party accepts them, the Judge is not allowed to repel them.

See no. 31. 263. — Notandum II., quod Religiosus in causa sui Monasterii bene potest testificari, ex c. Staliumus De Test. And the same is said of the Canonician in his own cause of Chapter, of the Priest in his own cause of Church, and of the Collegiate in his own cause. Collegei, quotiescumque in causa ipsi nullum interesse habeant particulare. It must nevertheless be considered that the testimony of these is not entirely intact; furthermore, it ought not to be admitted when other witnesses can be had. n. 45. 264. — “Question None” I.

An, et quando teneatur quis testimonium dare? 2. An, et quando tenetur quis testimonium dare? Why is he bound to testify who does not wish to testify, or who gives false testimony? "Resp." I. Quis ad id tenetur, qui non vult testari aut qui falsa est testamenti? One is not bound to testify, except with charity, when it is so necessary to advert to a great harm to one's neighbor; and therefore neither will you be bound to restore, contrary to what many Valent teach. And: If now some right should arise for the party from your testimony, this would originate from the precept.

But even though it is a common opinion that one must be held to restitution if he flees when summoned by the judge or declines testimony through fraud, since this is efficacious and for a moral reason so that the judge may render judgment to the detriment of another: yet it is not improbable, as Molina teaches. The reason is that an intimate citation does not introduce an obligation of justice, but only of obedience; consequently he who disobeys and defies is contumacious and disobedient, but not unjust. Here is to be noted with certainty that a witness is not bound to confess the truth when questioned illegitimately by the judge: for then he may lawfully respond (even under oath), if he does not know the crime, so as to be obliged to declare it to him. She, in the Second Part [of the Summa Theologiae], Second Question, 66, Article 1, where she says that in such a case, "The accused is not bound to respond, but he can either by appeal or otherwise lawfully subterfuge." » And the same is commonly said by the Doctors also concerning the witness.

See what is said concerning Restriction non pure mentali. l. 3. n. 152. 268. — But it is asked I. When shall the judge legitimately interrogate? Resp. Quando modo judex legitime interroget? I. when full proof is present, namely, one witness of his own sight or hearing, as stated above; or if notoriousness or infamy of the crime exists, or evident indications are present, or if the accuser offers himself for a crime to be proven by many witnesses (otherwise, even though there may be several witnesses regarding some crime, none of them is bound to reveal the crime); all these things amount to full proof; when such proof intervenes, the crime is no longer considered secret, and thus the judge then has the right to have the witness disclose the truth. Thus commonly: 2. c. 3. dub. 5 and 6.

Nacar. et alii cum n. 56 et 57. qui advertunt n. 62. cum Sayro, quod, ut testis teneatur tunc respondere, requiritur, ut infamia, vel semiplena probatio, vel indicia, ut supra, sint jam probata, et à judice testi manifestentur; nisi constet. The judge is reputed to be trustworthy, and he asserts himself to be legitimately interrogated. 267. — This is questioned henceforth II. Whether, when there is not present semiplena probatio, or infamia, or evidentia indicia criminis, as we have said, YOO LIB. IV. ON PARTICULAR PRECEPTS, CHAP. III. Whether, if the Accuser brings forward only one witness, this witness is bound to manifest the truth?

They affirm numbers 60 and 6r. With Soto, but the others deny it probabilius. 418. q. 4. R. 2. cum apud juxta supra posita. And the same thing appears clearly to be taught by St. Thomas 2. 3. q. 70. art. 1, where he says: "then a legitimate witness is questioned about 'what-' ever, or what is manifest, or about those things of which infamy has preceded."

Therefore, the Judge does not interrogate legitimately when neither notoriety (for this signifies manifestis), nor infamy, nor any other semi-full proof has preceded, as stated above, 208. — Resp. 2. And even when legitimately and lawfully questioned in these cases, one is not bound to testify: I.

If you know the matter from the confession. II. If you have received under natural secrecy, « (Even under secretum only committed, as St. Thomas says in II 2. qu. 70. art. 1, and commended by Sylo., and against Soto; because the natural precept is to be preferred to the precept of the Judge; See what has been said in lib. 4, n. 49. Understand however, unless a common danger threatens, or you have knowledge from elsewhere; for then you are bound to make it manifest publicly, as the Doctors commonly say: "as the Councillor, Advocate, Physician, etc." Provided only that it is not necessary for averting a great harm to the state or to a neighbor (as St. Thomas says in the first book and with common consent); for then it is permissible to reveal such a secret even if you have sworn never to disclose it to anyone: because such an oath does not bind, since by natural law you are bound to act otherwise. See Laymann cap. 4. n. 9.

III. If notable damage threatens you or your testimony: unless however public damage or private damage belonging to another prevails, as Cardinal de Lugo notes in just. disp. 39. n. 10. Whereby commonly you are not bound to bear witness against a blood relative. IV. If from men you did not receive what is worthy of trust; then it can have it, and if you know nothing. (Imo 3.)

"cap. 2. n. 5, et et alii cum n. 69. dico testes de auditu alieno non teneri ad manifestandum, quando Judex nihil aliud ab eis exigit, nisi ut dicant id quod sciunt; quia, aiunt, scire propriè non est credere, sed veritatem percepisse visu, vel alio sensu in mente retinere: quæcumque autem alia notitia pertinet ad judicium, non ad scientiam." If you have understood by means of injury, for example, by opening letters, compelling another to revelation, etc., III, treatise 6. Chapter 4. Number 5. Mor. d. 5. n. 5. Sixth.

Si alius probabiliter in facto non peccaverit vel propter ignorantiam vel quia rem aliquam accepit in occultam compensationem debiti; ex quo tanquam de fure inquiratur. The reason is because the mind of the Judge is to inquire about the offense. See. Part. 1. Ult. C. 27. 10. Question 3, part 3, chapter 269 — Response 3. He who having knowledge of what is false has testified; by which he became an effective cause of harm to another, is bound either to prevention or to reparation of all damages caused thereby.

Item tenetur revocare cum pari suo damno et periculo etiam vitas, si Reus de ea periclitetur et putetur revocando aliquid effecturus. Thus • commonly. The reason is that in an equal damage, rather should the reasoning of innocence be held. See. doubt. seq. art. 1. I have said it.

Knowing: because if through ignorance, inadvertence, or forgetfulness one has given an inculpable false testimony, although it is incumbent upon him to prevent this, if possible, yet not for the purpose of restitution, even if the Defendant be condemned. The reason is, neither is he bound by reason of the matter received, nor by reason of the fault. I have spoken twice. Effective cause: because, if from the part of the thing that false testimony would have effected nothing, for instance, because through false testimonies of others the entire cause of damage had already been given, so that the judge would have been moved by this testimony for nothing, he would not be bound thereby. 2. c. 30 et Laymann. 1. 3. t. 5. c. 8. et alii. 270. — Testis peccat. If he affirms what he ignores. 2.

If he opens what he ought to have concealed. If he conceals himself, lest he be involved in a case where he is bound to testify. 4. If to a just judge he does not obey when properly questioned. 5. If he receive a reward for speaking the truth. But there is doubt i.

If it sins against justice, and a witness who hides himself that he may not be summoned by the judge is bound to restitution? Affirmant Sotus de Just. 1. 5. qu. 7. art. 1. et alii apud Lugo D, 29. n. 4. But most commonly and more truly do they deny this very same thing, Lugo n. 5. Lessius, 1, 2, c. 30, n. 58, cum Salonico et Lenna, ac Bonacina de 8. Prac.

D. 10. Question 3. part. 3. num. 12. cum Naon. Sayers and others. Reason, because although he can gravely sin against the charity of his neighbor, nevertheless he does not sin against justice, since no one is bound to obey a superior's command before it is imposed upon him. Dubitatur 2. Is one bound to make restitution for the witness who flees after citation?

Sotus affirms chapter 1, section 6, doubt number 3, article number 4. No. . 1. c. n. 13. Because by that very thing, wherein the witness cited is bound by justice to testify: just as if a Judge commands someone to produce a writing pertinent to the cause, he himself is bound by justice to exhibit it; otherwise, he should restore damages to the party. They however deny more commonly and more probably the same, as cited in Lugo loc. cit. n. 5., and Mol. D. 83. v.

They consider it probable from a witness, and with reason, Bonacina n. 13.

and with Sylo. v. Witness, n. 8. Reason, because that citation does not impose an obligation of justice, but only of obedience. Nor does it hinder the equality in the bringing forward of the scriptural passage: for Lessius responds well that that scripture undoubtedly ought to be brought forth from justice, since it is an external matter about which the Republic justly can dispose, and agrees with other civic goods when it is necessary to uphold that law; not so with the obligation of testifying. Doubt is cast.

Is one bound to make reparation for the damage caused by the witness, who, having been lawfully interrogated by the Judge, conceals the truth? It is certain that one must be held to restitution of damage if he positively affirms a falsehood concerning an event, for instance, if he says that he knows Peter's house to belong to Paul; see Lugo. D. 39. num. 4. The same is to be said regarding the witness who was present at the donation of a loan and later, when questioned, denies it, because he now inflicts harmful damage upon another. But what if the witness speaks truth quickly, but negatively regarding the fact, namely if he responds that he does not know when in reality he knows?

They also affirm that witnesses are bound to testify in favor of restitution, cap. 1, n. 20; and they should say the same thing all those cited for the first opinion on the preceding doubt, for the same reason as above, because, given the judicial precept, witnesses are held justly to make the truth known: and a judge acts against justice if he does not render judgment, thus they say that witnesses sin who do not manifest the truth. But Mol contradict. D. 83. vers. Regarding the witness, and Lugo 1. c. num. 5. with Raynaud and others, it is rightly deemed probable. Reason, because a witness is not bound to refrain from declaring the truth except either by virtue of a judicial command or on account of the reason given for having taken an oath; hence, by remaining silent, he does not sin against justice, but only against obedience, or even against religion.

It is a debtor, however, for justice to the witness: for the judge, having entered into a kind of contract with the Republic on account of the assumed office, is bound by justice to render a just judgment; but the witness is not bound by justice, but only by obedience to perform the duty of a witness; and thus he sins only against obedience, not by not manifesting the truth. To this judgment adheres also Bonac. 1. c. n. 14. Hereupon says Ciera de Casib: I burn. D. 6. n. 62. When concerning January, such a silent witness to the truth is neither considered as incurring the reserved case of lying falsely with harm to a third party, because reservation is understood broadly to include one who swears with positive mendacity, not negative. But Bonac. says ibidem that if a witness has sworn to speak the truth, he is then bound by justice to say it, because

an oath of promise gives rise to an obligation of justice: Yet this is more probable in contradiction, because when a witness swears to speak the truth, he does not intend himself to be bound by justice, but only by the virtue of Religion to make it manifest.

But you will say: He who by fraud or lie impedes someone from obtaining just good is bound to restore the damage incurred, as we said in book 3, n. 58v. Thus equally is the witness bound to restore the damage inflicted, who by saying that he does not know what in truth he knows, now impedes his own right through such a falsehood. It is replied that this proceeds when the lie is a positive cause, or an influential cause, of damage; otherwise, if it is negative only. The witness, however, who says he does not know the truth when he knows it, is a cause only of negative damage, since he does not impose any positive impediment so that another may not obtain his right; but merely fails to remove an obstacle opposing the other, namely the defect in proof: which obstacle the witness might indeed remove through obedience and religion, as we have said, or sometimes even through charity being obstructed, but not through justice, unless perhaps a special agreement has been made with one of the parties concerning the manifestation of truth. 271. — For the completion of this point, it is asked I. Whether the deposition made merely in writing, and not orally, suffices?

Some affirm this, and they consider n. 73 probable: and it is said that Prelates and Visitors can make use of this opinion to avoid noise; and Rodriú holds this there, at least if the cause concerns the duties of secular offices. VI 103 is a matter of slight moment. Nevertheless, the common opinion, and the more probable one, denies this to be sufficient in a criminal case, as is found in c. Testes 3, q. 6, and c. A nobis. Whoever where there is a subscription "of no moment," as regards the sentence to be pronounced: "This may nevertheless suffice for proving infamy extrajudicially, as Pelin and Far. in n. 74." Therefore, the deposition should be made orally and with some sacred thing touched, such as the Cross or the Gospel.

However, priests suffice by swearing upon touching the breast: but the judge himself should always examine the witnesses, as commonly teach DD. cum Covarr. et. 3. n. 7 6. However, the judge can commit another examination to a third party, as the Psalms say that this stands as an axiom of all tribunals, if the judge is hindered, or if witnesses cannot be found because of old age, or because they are prevented from testifying, as is evident. If any witnesses. In cases of true criminal causes, himself the judge is accustomed to except, according to Auth. de Testib. §. Haccomnia. The witness is to be interrogated regarding his state, name, every name,

and condition: he is to be questioned about the facts themselves, and concerning those circumstances - without regard to place, time, or other persons present - relative to the fact: likewise about his reasons and knowledge, especially in matters criminal.

See. 7 8. Item debet scribere verbum testis, prout ipsa profert. Likewise, it must be avoided that the depositor does not know that the testate disposition has been made. . 8 0. Witness having held false testimony in some instances, it is not to be believed in others; . 8 2. The deposit must again be read to the witness, and be confirmed; and it is necessary that this be noted when either it is added or changed in confirmation.

And finally, the Secretary should write; "All that he affirmed to have been most true by his oath, which he gave; " and when all that he deposited was found to be correct word for word, then he ratified it, and himself subscribed it with his own hand." And finally, the judge, the witness, and the Secretary should write: "All that he has affirmed to be most true by his oath which he has taken; " and having read all that he has laid down as true word by word, he ratified it, and signed it with his own hand." And let the witness know how to write, seal, and sign, and otherwise subscribe for himself, and the secretary note this likewise there. Thus also the ratification of the deposition is to be made by any witness, judge, or secretary who shall thereupon subscribe; and even in the article of death, as Baldus says. Felīn. et Mēn.

See. 6 3 etg 2.. Facta autem reicitatione, veloremus vel realiter per incarceracionem rei, vela per dictum, si reus fugerit, aclites sic contestata (quod certe est necessarium ad essentiam processus) iterum repetendis sunt testes cum juramento, excepto causae quaprocedatur in reum absentem ut contimacem; vel testes, qui deposuerant, defunctis sint, vela judex procedat ex offeio et non ad instantiampartis. Therefore commonly in the Decretals at 8, 5. It is permitted. The law etc., book one, number eight, chapter eight: that the reasons for the causes of Religious be not required for this confirmation is to be held. In this caution, rather more credit is to be given to the Tabellion who wrote the deposition than to the judge who asserted that he had heard it personally, than to what was written.

Thus Cooar. Bald. etc. apud. 9 2. DOUBT VII. CONCERNING THE ACCUSED. ARTICLE ONE.

An, et quando Reus teneatur fateri veritatem. 272. What can the defendant respond when questioned improperly? — 273. When will the accused not

be bound to confess the crime? — 274. Whether the accused is bound to confess a crime when fearing great punishment? — 275. Does the accused sin grievously who imposes a false crime upon himself to avoid torture? — 276.

When however it is held that the Accused cannot revoke his confession? — 277. May the Accused reveal hidden crimes of Witnesses or Accuser against himself for his own defense? And whether he would grievously sin if he imposed false crimes upon them? — 278. Is the defendant bound to reveal accomplices? 272. — « RESP. 1. » If not interrogated legitimately, one is not bound to confess his crime, but he can either evade the Judge with ambiguous words, or even deny it with some restriction, and in a good sense, so that no lie results.

The reason is that then the Judge would not have the right to question or impose an obligation on the Accused. Thus it is stated in Tertia, Liber Tertius, Caput Quintum et Bonac. de Decimo, Quaestio Tertia, Pars Secunda. * (Ità Cajet. 3. n. 154. ex a. » q. 69. art. 1., qui art. 2. sic ait: Aliud est veritatem tacere, aliud est falsitatem proponere. Of which the first is permissible in some case; for no one is bound to confess all truth, but only that which the Judge can demand of him, as when a previous confession has been made... proof semi-full.) * Hence the resolution: 273. — « 1.

The accused is not bound to confess his crime. If the Judge is not legitimate. 2. If the process of the lawsuit begins by itself, without a previous accusation, at least virtual. If a semi-full proof has not preceded, nor is there infamy, nor are there manifest indicators of crime. The reason is because in these cases the Judge does not legitimately interrogate.

cc. Cardinalis de Lugo. d. 40. n. 1. » 2. It is not held that if one doubts whether the Judge has legitimately interrogated: because it is not held to comply when there is great harm to oneself unless it be certain that the Superior can command. Thus ... c. ... 6. Concordantium.

Chapter 3. Question 31. Article 3. Sacras, Bonas, et alios. They absolutely hold thus, n. 3. with Sot. Na- » oarr. et . lib. 6. cap. 3. dub. 31. num. 2. cum » Card. Caj.

Sylvestris et S. Antonius). » Reason, because the accused possesses his own life and reputation; hence in doubt he has the right to delay it until it is determined whether a legitimate interrogation is taking place.) * » 3. The judge is bound to cause the accused to declare the state of the case and

what are the proofs by which the crime can be established, etc., so that it may be known concerning the accused whether he has been legitimately interrogated; for he will not be held bound to answer, otherwise, and to deprive himself or others of goods which he possesses in good faith. Cajet. n. 43. C. de Lugo d. 40. n. 1. "(The same [authors] say in Soto. 3. commonniter.)"

If the Judge juridically interrogates the accused, but only on account of a false presumption of guilt, for example, whether he has emerged from such a strictly guarded house with a sword in hand, the Accused (and this is also true of the witness) may deny it even if he knows that it is semiprobably established, provided that he has indeed emerged, not however on account of a factitious offense, but for another reason; because, if the Judge knew the truth, he would not be able to interrogate. Thus according to S. art. 1. The translation provided is already minimal: "Sot." chapter 34. t. 5. misc. Reply 66.

C. de Lugo dub. 40. n. 4. The same must also be said if anyone kills out of just fear for his own safety; then he can respond to the Judge interrogating him and say that he did not kill with culpable intent: Thus Soto, n. 19. » 274. — « Resp. 2. Even though the more common and certain opinion is that according to S. Th. 2-2, q. 6, if the Accused is legitimately interrogated by the Judge, he should openly hold in his conscience to speak the truth; it is nevertheless probable also what the Scholastics teach from the same source, namely d. 5. Card. de Lugo. d. 40. n. 15. ubi dicit esse sententiam valde probabilem et in praxi tutam.

The reason is, because the human law commonly does not oblige with so great a danger, for example, death; furthermore, because it seems inhuman to hold that one who cannot be convinced should be kept to provide arms against himself, by which he may be killed, or a heavy punishment, for example, perpetual imprisonment, should be endured; furthermore, because the act does not seem to require such heroic virtue as to be prescribed. d. 10. q. 3. p. 2. num. 17. This question is famous: whether a defendant is bound to confess a crime to a legitimate judge interrogating him with fear of great punishment? The first opinion affirms this, as stated in S. Th. 2-2, q. 6, art. 1, ad 2. Sot. . . et n. 9. qui dicunt hanc probabilem et in praxi tenendam, quamvis contrariam vocent probabilem intrinsecè et extrinsecè.

Reason, because the Judge has the right to command when legitimately interrogating, so that the Accused may reveal the crime to him; therefore, the Accused commits an offense against justice if in this serious matter he does not obey. However, I consider the second opinion sufficiently

probable intrinsically as well (even though I regard the first as more probabible), which opinion Bus. and Sa. Eblel de . etc., hold at length, and which 4. t. 2. n. 15 considers more probabible in the end. This judgment denies that the accused is bound to reveal his own crime in a case where he would be condemned to death, or to the galleys, to perpetual imprisonment, or to the loss of all goods, or even of his entire reputation and honor. Reason, because it seems that this severe law is not present as something impossible according to human mode, such that one would be held almost as if he himself were condemning himself to the gravest penalty by confessing his crime; unless common damage threatens from silence due to reticence. I V, ON THE SEIZURE OF PRIVATE GOODS, CHAP. III. Of the confession of a crime, suspected heresy, contempt of Majesty; etc., then the accused himself will be compelled to betray, or his accomplices, as much as is necessary, to avert common harm, even if it means his own death—without revealing the confessions of others, from whom it would be detrimental in judgment.

Case however is it when the damage is not feared, because the law obligating to confess a crime probablistically does not exist, probablistically the judge does not have the right to demand truth in such a case, nor is the defendant obliged to manifest his own guilt; and thus the defendant, by resolving the amphiboly of conscience, does not incur justice, according to what was said 1. 3. n. 1 5 6. It does not hinder to say that the Reus is bound to suffer that damage for the common good; for if this reason were valid, the Reus condemned to penalty would necessarily be able to escape by appealing to it; although in such a case the rule of the common good might prevail, yet the Reus legitimately could provide for himself. 7. n. 5 7. ex S. Thom. 2. 2. q. 6 9. art. 4. a d 2. ubi ait: « Nontenetur (Reus) » facere id, unde demors sequatur, quod est manere in loco, unde ducatur ad mortem. Ethocetiamsi Judex precipiat, ut non aufugiat, ut procerohabet Lugol. c. Omnes autem conveniunt, ut parest, addicendum quod si Reus sit in bonafide, etc., enseatur quod difficile inducetur al fatendum crimen interrogatus a Judice; Confessarius in suam bonafide eum relinquere debet, ut. 1. 3. c. 7. n. 8. . 6. n. 2 4. etc.. Dixi i. in capitalibus: quia aliud est de causis, in quibus « agitur de poena Ecclesiastica, quae est medicinalis. » I said 2. if there is hope of reconciliation: because, without that, the reason for avoiding the truth ceases.

» ## Whereupon it is resolved: « I. It is not always necessary, according to what is said in Resp. 2., that the Confessor urge the Accused to confess the crime. C. concerning n. 20. » 2. After a broad sentence has been pronounced, the defendant is not bound to confess the crime, which he had unjustly denied before, because, with the completion of the judgment,

the obligation also comes to an end.

Decretum, librum tertium, capitulum septimum. and n. 20. The same is said of the witness. See book 3. n. 155.) 9 Imò probabile est, nec ante sententiam ad id teneri, etiamsi adhuc sit in potestate Judicis, donec iterum interrogetur.

Card. de Lago d. 40. numer. 17. 10 (Ita etiam Sanches loc cit. num. 8. et 21. etc. contra) Rutio, quia justitia legalis non obligat nisi tunc tantum cum judex interrogat: nisi judex tempus ad respondendum praescribat, nempe si praecipiat ut reus infra mensem veritatem dicat, et mensis adhuc duret. Nevertheless, his objections notwithstanding, Soto teaches more probablistically in Book 5, On Justice, Question 6: Article 12. Nao. n. 36. item Sayr. et Angles apud quos fatetur communem sententiam. Reason, because as long as the sentence hangs in doubt, the command of the Judge is still deemed to endure, so that just judgment may be preserved. Response 3.

If anyone through fear of severe torments lies, he has imposed upon himself a crime of falsity by which he deserves to be punished with death; it does not seem to be mortal. Thus it is contrary. Syl. Chapter 2. Article 11. Question 7. Tan. de.

Just. d. 4. q. 4. dub. 5. The reason is that he did not lie perniciously, since he was not bound to preserve life by such severe torments. See. C. de Lugo. l. c. 278. — Here it is asked whether a defendant sins gravely by falsely confessing to a serious crime in order to avoid severe torments? The first opinion denies what Bus. holds in 2, c. 11, n. 4; whereas Soto considers it probable.

Lugo D. 14. n. 174. Reason, because no one is bound to preserve life when so great a danger threatens, which even by death appears more severe, according to what is said in book 2, number 372. The second opinion, however, is more probable and is held by authors 18 and Lugo in the aforementioned reference. Reason, because although no one is bound to preserve life by means of a medium that death itself seems more harsh, yet no one can positively cooperate in his own unjust death, which is intrinsically evil, since man is not the master of his own life. Whereupon Molina more probingly infers, num. 16 and 18, against Busembach, as follows: if the cause is still in that state, such that through retraction death can be prevented, the defendant must retract; because that false confession tends to influence his unjust death, and therefore he is bound to remove that cause; just as one who culpably kindles fire in another's house is also

bound, with his own damage, to extinguish it.

Hoc autem advertit Lugo n. 187 cum Molina, quod licet à principio peccasset reus confitendo crimen falsum cum infamia alterius, non tenetur postea se revocare ad reparandam alienam infamiam se demuovere exponendo ad sustinenda illa gravia tormenta, quia nemo tenetur famam restituere cum tam longe gravius suo damno. Talis non tenetur postea crimen revocare, quamvis ante perjuro confirmasset; si prudenter metuit, ne ad tormenta revocetur: quia etsi pejeratione graviter peccarit, hoc jam transit, et non retractando nemini facit injuriam; ideoque sufficit coram Deo pœmittere. See c. et q. 5. d. 4. » 2. If from that confession of a false crime grave harm follows to others, for example, a good deed.

3. If the accused, being coerced by torture, denounced another as innocent, he is bound under a mortal sin before his condemnation; and if at that time he does not revoke it, even during the time of damnation, he is obliged to do so, for which the Confessor himself is bound. Thus from the common [authority]: lib. 5. cap. 6. n. 7. qu. 5. dub. 4. » Number 103. Where he adds. 1.

If however anyone shall follow and observe this practice, he shall take heed that the denial made at the end of life be not revoked, nor the accusation before such denial made, as Delrio teaches in book 5, section 5. Valent. dub. 6. » qu. 13. part. 4. is consequenter existimare poterit, denunciantem 108 LIB. IV, ON PARTICULAR PRECEPTS, CHAP. III. » in that very article of mortality, at least with his own inconvenience, and under a mortal sin, obligated not to revoke, because it is useless.

Ita » 4. He likewise admonishes that it should be censured in the confessional, lest through importunate and frequent insistence upon it, the accused be urged to retract a denunciation unjustly made, or one made imprudently, and with scandal. Here it is asked whether the accused can reveal hidden crimes of witnesses or of the accuser for his own defense? And whether he would gravely sin if he imposed false crimes upon them? Here above all, Proposition 44 must be warned against, which was condemned by Innocent.

XI which said: "It is not mortally sinful to refrain from babbling, who imposes a false crime upon another in order to defend his own justice and honor." Et si hoc non est probabile, vix erit opinio probabilius in quod falsum crimen testi vel accusatori opponere ad suam causam tuendam illicitum semper est et culpa gravis. Thus it is a sin. Saint Thomas Aquinas, Second Part of the Second Section, Question 69, Article 2, Response 1,

Sot. . 27. And this is the case even if one were accused truly innocently and unjustly condemned to death; they assign a reason because it is never permissible to defend oneself when there is a serious harm to an innocent neighbor. But this reason, thus broadly taken, is by no means commendable; for according to the law of charity, since life is a greater good than temporal goods, one can defend his own life at the cost of losing either another's goods or reputation. And si ad hoc reus adhibeat mendacium, erit quidem peccatum, sed non plus quàm veniale; quia ratione damni tenetur tunc proximus damnum suæ famæ sufferre, ad servandam vitam innocentis in extrema necessitate constitui. The reason why I more readily approve this case is, first, because an unjust injury to another's reputation is not the sole means for defending one's life, and it is easily subject to the danger of hallucination; secondly, because it is contrary to the common good to tell a lie in judgment, since it perverts the entire order of justice, and therefore each person ought to prefer even their own private good and that of their own life to such a thing.

Resp. II. It is licit for a criminal to oppose an accusation from a true but hidden witness or accuser, as stated in question 4, proposition 4, note 12, and by Milante in Ex 24. See conquered. L. 2. n. 969. Provided that this be absolutely necessary for the defense of his innocence; likewise, provided that another defendant suffer not a light but a grave damage, it is permitted even if greater damage happens to the accuser or witness, as he says in c. n. 4.

But what if the defendant committed a crime, albeit secretly, in such a manner that it can in no way be proven whether then he could say that the accuser was an unjust person; or whether he could oppose the secret crime of the other? It is affirmed that the condemned by Innocence XI, as mentioned above, and it is rightly thought probable in chapter 6, note 35, and in Roncaglia, chapter 2, question 6. Because he who accuses a defendant of an infamous crime that is hidden, is deemed in law as if he accused him of a false crime and brought a calumny, as the Glossa says in c. Cum dilectus, De Calumn., with these words: "If he who renounces does not approve what he intends," it is presumed that he has been calumniated. And for the same reason they say that in the case where the crime of the thing is hidden and cannot be fully proven, a witness can reveal the hidden delict to defend the accused; however (they add), the witness must depose spontaneously and not be coerced; but they admit this according to Milante, and proposition 44. If once.

XI. n. 12. et expressius Lugo. D. 90. n. 23. Even though a witness is

compelled to testify; for according to the common D D. sentence transmitted by D. Thom. 2. 2. qu. 73. art. 2., and related in lib. 3. n. 969. (which I ask you to review), no one is bound to preserve the reputation of his neighbor at great personal cost. 278. — "You inquire whether the accused is obliged to reveal accomplices?" Resp. 1. If hidden accomplices cannot be convicted by any other indices or testimonial evidences, they cannot and are not bound to be revealed: yet if they are coerced by force or torture, ordinarily they do not sin in revealing them. If a crime has been excepted, he is bound even though not asked: hence, if he refuses, according to Naaman, he will not be absolved. ## ARTICLE II. ## What is permissible for the Accused concerning flight from punishment. 279.

May a person unjustly condemned resort to violence in repelling it, or positively resist it? — 280. May the culprit who truly has sinned flee or hide in prison? — 281. Whether a man condemned to death is bound to flee if he can? — 282. May a prisoner, who is bound to flee, deceive the guards and break the prison? And whether then he is bound to suffer damage from the breaking of the prison? — 283.

Is it permissible for others to aid a criminal in fleeing, or in breaking open the prison? — 284. May one be confined so that a condemned person may take food offered to him when it is said he should perish through hunger? — 285. May a defendant appeal, and when is it permissible to do so? 279. — « Resp. When the sentence is materially unjust, yet broadened according to the allegations and proven: although it does not obligate in conscience, the defendant cannot positively resist the judgment of the judge in this case, both for scandal and because in such a case the judge has the right to have his sentence executed and is bound by that. Thus commonly. 4. num. 39.

I said, namely: because of the accused, even though he truly is guilty, it is permitted for him to flee before and after the sentence (with regard to death, or a punishment equivalent to death, e.g., perpetual imprisonment). The reason is that everyone has so great a right to the conservation of his own life, that no human power can obligate him not to conserve it if convenient means are shown: unless indeed the public good require otherwise. . 2. c. 31. d. 5. But it must be more clearly distinguished and stated I. If the defendant has suffered damages unjustly, not only according to the truth of things, but also according to the law and custom, so that he may be appeased by compensation, or prevented from seeking; likewise, chains and prisons to be broken and shattered, because, since the end is lawful, the means are also lawful. And although others were simultaneously escaping through the broken wall, it will not be held as a loss; for such damage is accidental to its cause, since it uses its lawful

means.

It matters not that certain laws and magistrates severely punish such effractors; for they do this either following a contrary judgment or from presumption, because violence has been offered to the custodians, or because it is done on account of what is good [Tan., d. 4, q. 4, dub. 5, ex alio multis]. See Cardinal of Lucca. "d. 40. sect. 4." The same (that is to say, what it allows to break the chains) appears probable with Bus. Noah... Lugo, Sa, and many others with n. 67 and q. 8.

Resp. 3. contra Cochar. Syllogism. Cajet. when it is probable that the opposite of Sed is probative with Bann. White. Seyr.

Because that damage occurs by chance; nevertheless, he who has the right to defend his own life also has the right to inflict damages upon another in goods, if it be necessary to inflict that damage for the defense of life. They also consent with Bull. n. 75. and q. 8. R. 5., dicendo quod licet reo decipere custodem ut possit fugere modo tamen tales actus et verba adhibeat ut possit custos fraudem agnoscere. Otherwise, if the custodian cannot advert to this, then it is in no way true that the custodian knowingly and willingly suffers damage from the escape when he is unable to prevent it. Thus; but I am unable to understand why it is permissible for the accused, who is allowed to flee, not also to employ arts in fleeing (provided that he does not use deceit), even though the custos cannot perceive these, and damage will befall him through his flight, since then the accused would be using his right, and the damage would happen accidentally to the custodian.

The doctrine will show me, which when Buscm b. and many others hold in n. 67., namely that one condemned to death can properly break the prisons for fleeing; although damage may come to the custodians from the flight, as expressly teaches n. 77. Reason, because then the Reus bestirs himself for a thing that is lawful. They assert however, C. and whencum. But I am also unable to acquiesce in this doctrine; for although each one has a right to life, no one can nevertheless induce another to perform an intrinsically evil action; now the custodian's act, if he opens the door to escape for the accused, is certainly intrinsically evil, since it offends his own Office; I do not therefore know how such a custodian can be positively induced to do so. 283. — « 4. Those who are not ministers of justice, although they may not only counsel the criminal to flee by their advice, but also provide instruments of assistance, such as ropes, stakes, etc., because it is licit to suggest a lawful end to another and to propose means thereto: c. t. 6.

Note 40. Tann. 1. c. Sylo. . 7. n. 72. and R. 4. against Sot. Sylo. Tab.

and contra. num. 17. Truly rightly they limit. And with Lugo, if flight were pernicious to the republic, suppose the culprit to be a highwayman or similar. "» » « 5." Non tamen licet juvare in effractione carceris, ut habet communis (cum . c.) tum quia executio ipsa effractionis soli Reo licita est, propter jus vitae conservandae; tum ne alioqui omnis securitas carceris pereat: . c. Bonac. d. q. 10. p. 1.

Here is questioned I. 284. Whether a condemned person, so as to die from hunger, should be compelled to take food if it is offered to him? It is certain what follows, as it is taught by S. Th. 2-2, quæst. 69, art. 4, ad 2, with the common opinion. Others, however, say that even one must be held to take food, because each man ought to preserve his life by any licit means so far as he can. Thus etc. with n. 80 and this agrees with Lugo, D. 20, n. 30, who nevertheless admits it to be possible for the Accused once or twice to receive a secretly offered sacrament.

But it is not held with greater probability, because to positively lose one's life is one thing, and negatively to fail to preserve one's life is another; for this is permitted to the Accused out of a just motive of rectitude, that he may suffer the penalty of his crime, which can be congruent without fleeing when he can, as we have said. Thus it is said with the Major, according to whom they sufficiently approve as probable: and considering the opposite as more probable, they do not agree with themselves, since in the same text from n. 34 they maintain that one can properly give a plank to a friend in distress at sea for the same reason we do, because this is not directly to refuse help oneself, but merely not to protect life, which is licit for a good cause. It is asked II. Whether it is licit for others to provide food to the Accused? It is responded from common Decrees: this is permitted to all, except ministers; but no one is bound to do so, because, precisely insofar as someone is condemned to perish by starvation, he is deprived of the right that others may assist him in his utmost necessity.

Thus S. Thom. 2. quæst. 31. a. 2. ad 3. c. 7. n. 84 et 85. Whether, however, the criminal himself can kill himself in accordance with the command of the Judge? There are two probable opinions. See what has been said regarding five. Prac. 1. 3. n. 369. 285. — Whether it is permissible for the Accused to appeal?

Response. If he knows the sentence to be just and the process to have been conducted justly, it is not permissible (although one may nevertheless

petition); because that would be to impose prejudice upon the judgment. But by appealing unjustly one is held liable for damage. » Si vero putet sententiam iniquam esse, aut injustè processum » esse, aut si diversæ sint opiniones, potest appellare. V. . c. n. 100.

We say that it is permissible for the defendant to appeal to the Supreme Judge for greater understanding, not only if the judgment of the inferior judge was unjust or improperly proceeded. 114 LIB. IV. ON THE PARTICULAR PRECEPTS, CHAP. III. even if it has been alleged justly, the Accused shall have new proofs on his behalf. n. 38. with num. 42. What, if the justice of the sentence widely lies in doubt?

Resp. In causa criminali et capitali potest profecto Reus appellare ad Judicem Superiorem, ut n. 57. And this even if the right of the matter is less probable, because the authorities cited with Fulguera say that, given an opinion favorable to the defendant which exists as more probable, it should be judged for itself, according to the rule of law in 6. When the rights of the parties are obscure, it is more fitting to favor the accused rather than the plaintiff. See the aforementioned statement n. 210. But it must be said otherwise in civil cases, when certainly the law against the accused is less probable; because then the Superior, if he judges according to a less probable opinion in favor of the accused, will certainly act unjustly, ex c. 7. n. 46.

But what if there is a doubt, whether the Superior Judge will be just in pronouncing judgment for the Defendant? In such a case, it is probably true that according to Bus. the accused may appeal even in civil matters; because, since human minds are diverse, perhaps the opinion which the inferior judge found less probable will appear more probable to the Superior, and thus it is licit for the defendant to try experience with just cause when he already has a probable right on his side; and so it seems to be the practice of all appellants. ## DUBIUM VIII. ## How one should act in confession with the accused. 286. — « RESP. observanda sequentia: 1. » Instruct him that "what he does with his conscience in the forum of conscience, since it is not communicated to the judges, therefore neither if it be harmful nor if it be innocent can it either profit or prejudice him." Reason, because otherwise many would be deceived in falsely proving innocents innocent, so as to be nourished by the Confessor; others, on the contrary, falsely claim innocence, lest the Confessor communicate with the Judges and they themselves be recalled for torture. Wherefore it is expedient: 1.

That the Confessor may not rashly publish what has been received outside the confession. That the confessor may not rashly absolve a penitent of

confessed sins outside of confession; for it is hardly possible to compel one to confess everything out of fear, lest either the same be deferred or forced to confess again before the judge; yet first matters should be clarified in secular forum concerning contrition. From the book VI, chapter I, section III. Tann. d. 4. q. 5. dub. 4. « 2.

Let him not compel the accused by importunate means to admit themselves such: because truly some are not such things in reality, and overcome by that pressure they falsely confess; lest they die without communion, or from the Confessional at their last extremity be deserted, confessing sacrilegiously; for confession is vain unless it proceeds from contrition and true conversion to God; therefore let him labor thus, and good confession will follow, not the contrary. "3." Let him beware lest he before the accused censure the judicial mode of proceeding: henceforth therefore he will not commonly admit complaints of injury done, since it is not for the Confessor to judge such matters, but rather to dispose them toward penitence. Even though some authors permit the judge to use baits to elicit a crime, nevertheless this is not permissible for the Confessor, so that his ministry may not be defamed. It is not permitted according to the Council of Antioch, ch. 33 and 35.

It is not permissible to openly interfere with tortures or suggest a method of twisting, unless it be milder. See Tann. d. 4. q. ult. d. 5. n. 128. "6." It is expedient to have knowledge of the evidences and proofs obtained in the judgment, as well as the manner of the process, so that one may act more prudently in one's own forum, and admonish the judge, where necessary, wisely. 287. — « 7. Let him examine in the confession. If he shall have delivered up his accomplices in crime (provided that he was held according to the aforementioned), and indeed if he has falsely defamed others, let him be induced to retract, even though it involve danger of torture.

V. Tann. d. 4. q. 3. d. 4. n. 103. et dicta dubio superiore. 2. If it is a saga, at what time, by what occasion it has fallen into magic, so that if later it denies, it may be convinced in the same forum. In quality of superstition, whether he has renounced by his heart the faith of Christian religion, whether he has adored a demon, whether he has sensed false things concerning God and eternity, whether he has abused sacred things, whether he has harmed men, especially those joined to him in particular ways, such as husband, children, or others, and whether he has seduced them. Item de peccatis carnalibus.

Finally, let her disclose the deceptions of the demon, being instructed as to how henceforth she should encounter them, and among other things,

advise on the profession of faith and frequent repetition of the Symbol. 288. — « 8. Often it is not expedient to signify after punishment that the judge has revoked the accusation at the last extremities; first because judges do this in a trivial manner (which is rightly done, see chapter); secondly because it breaks the seal of the Sacrament if, without sought permission, it reveals the innocence of the accused, thereby also revealing the sin of the accuser. Wherefore, si aliquando Judicem monere expediat, rogandus est reus, ut id extra confessionem et coram testibus dicat eo fine ut Judex moneatur. 289. — « 9. If from a confession one should gather some innocence (which although difficult, is not nevertheless impossible as it teaches question 5 of the fifth doubt number 85), to reveal this to the judge and intercede for the accused is perilous: because after the public confession of the matter, he will not be believed; firstly, because if many hear it, by keeping silent about the culpability of others through the breaking of the seal, it seems to confirm their harmfulness; secondly, because if they should know that he intercedes for him as innocent, they will cunningly seize an opportunity to conceal his own deeds. See. 3. t. 6. c. 5.

Tann. d. 4. q. 5. p. 4. n. 65. 290. — « 10. Although those justly condemned for their crimes may sometimes intercede, especially before the Supreme Magistracy, according to Scripture. Proof 24. Eruc eos valde tamen prudenter et moderatè hoc faciendum, quia relaxatio potest esse illicita, ju-116 LIB. IV.

ON THE PARTIAL PRECEPTS, CHAP. III. The deacon (and yet not the confessor, unless he has foreseen this) will become liable for all evils which follow from liberation; rather, they themselves will be imputed when it should have impeded according to the Office. See Bonac in 8. Prac. d. 10. qu. 2. e 3. 4. qu. 5. d. 4. ## DUBIUM IX. ## What obligation is there for Physicians and Apothecaries and Surgeons? — « Resp. » They are bound first of all when they seek or undertake such an Office with a sufficient grave obligation to have knowledge, or expertise. n. 60. 26. n. 1.

Next, in curing the sick, one should follow these rules: I. Ordinarily they should follow the opinions of Physicians secure and safe. The reason is danger, and harm to the neighbor. Thus Bon. . 1. mor. c. 9. II.

When a certain medicine is known to be efficacious for certain sick persons, they are bound to use that medicine, neglecting that which is in doubt, because otherwise they would imprudently leave their neighbor in danger. III. If "non sint certa pharmaca, debent adhibere probabiliora, tum quia alioqui salutem proximi in discrimen adducerent: tum quia tenentur fungi officio, quantùm possunt, cum minimo proximi periculo, et damno.

IV. When there is no hope for the salvation of the sick person, and a remedy does not exist except one about which there is doubt as to whether it will be beneficial or harmful, they can use it, nay, they ought to use it.

The reason is because thereby the affair of the sick man is managed usefully, and if death follows, it will not be imputed to them, since they have no other hope of life. 1. tr. 1. c. 5. 2. qu. 4. p. 9. It is probable, according to what has been said in book 1, note 46. The physician sins. If he shall attempt to cure a serious disease without sufficient expertise. 2. If to one encountering a grave and unusual disease, he does not bestow special diligence.

If he administers a drug to the sick man which he believes with probability will be harmful rather than beneficial. 4. If inexploratae medicamina adhibeat gratia explorandi, praesertim quando de iis non est opinio probabilis, et habet medicamenta probabiliter utilia. 5. If, without well-considered knowledge of the nature of the disease, he temerarily employs doubtful or perilous remedies, especially when there is a risk to life or a serious injury. Si cognito aegroti periculo opportunè non adsit, aut necessariam curationem neglegat, aut alios medicos adhiberi non permittat. 7. If anything tends to the contrary of the honor of God or the opposite of His precept, such as incantations, pollution, superstition, etc. 8.

If easily and without necessity he absolves from fasting, he permits the eating of flesh meats. 9. If he despises a poor sick person constituted in danger. V. Bon. l. c. . p. l. 2. c. 17. q. 11. Scourge.

Book 2. E. 3. c. 9. Here rightly Croix says in book 4, note 1534: to sin regarding the duties of secular office. DUB. X. 117 » A physician who omits to prescribe medicines gratis for the poor in times of great danger. » In this periculum constituted.) « 2.

The apothecary commits a sin 1. If a rude and ignorant person shall exercise the office. 2. If without art or diligence he prepares medicinal remedies. 3. If he uses honey in potions instead of sugar. 4. If one medicine is administered instead of another (unless indeed it were equally good and of no lesser value), against the prescription of a physician, when there is a grave danger of serious harm.

(See what is said about contracts, l. 3, n. 82r.) See Salas, d. 34, 5. If he sells medicines for not healing, or for driving forth a fetus. If he sells drugs that are useless, etc., V. Escob. l. c. ## DUBIUM X. ## What obligations of merchants, craftsmen, and other secular persons. « RESP. They are

evident from the words concerning the seventh precept; from which it is resolved: 292. — « 1.

The merchant commits a sin. If he sells poison or any other prohibited thing with suspicion of wrongful use (See what is said in lib. 2). n.72.) 2. If he is prepared to receive any price whatsoever, even an unjust one, from the buyer. If he sells a thing for more than its supreme price on account of delayed payment.

If he conceal the great defect of goods and not reveal it, he diminishes weight and measure. If he establishes an unjust monopoly in the injury of purchasers, and all goods of one kind come to him for sale, he sells them at an excessive profit for his own benefit. If he who does not know buys goods at a lesser price or sells them at a more expensive price to one who is ignorant. If he mixes old and useless goods with new ones, and sells both at the same price, 8. If he defraud just tributes. q. If at the due time, when he can, he does not repay creditors, causing them great damage. 10.

If with merchandise he pay that money which ought to remain against the will of the creditor. 11. If on feast days he publicly buys or sells contrary to the permitted custom. If he swears falsely that he has purchased goods at such a price. If anyone contracts anything, doubting his justice. 14. If he buys stolen goods, etc., V.

Escob. tom. 2. E. 2. cap. 12. » See what has been said about Restitution, in book 3, number. 50). » « 2. The bibliopole commits a sin.

If he sells prohibited books, or papers. 2. If he sells a defective book for its full price, etc., see § 3. The money-changer, or the goldsmith, sins [thereby]. If he sells bronze for gold, or silver. If he mixes more silver or copper with the gold or silver than the assay requires and does not signify remission to the purchasers nor diminishes the price, 3.

If anything is bought from stolen goods in bad faith. 4. If he sells a common pebble as precious, or buys precious as vile, etc., 110 LIB. IV. ON PARTICULAR PRECEPTS, CHAP. III. Although allegations and proofs cannot, however, repel force by force, killing, wounding, etc. For it was proscribed by Prop. 18 from Alexander VII, which said: "It is permissible to kill a false accuser, false witnesses, and even the judge, to whom an unjust sentence certainly threatens, if no other way can prevent the innocent from suffering harm." The reason for this is that, when it would be easy to persuade oneself that those unjustly condemned are deserving of death, many homicides would occur with common harm; hence, on account of

the easy likelihood of error, the aforementioned proposition was justly condemned.

Then, however, the accused may lawfully not only flee, but positively resist; for example, by driving off assailants or even intimidating them with arms, so as to extricate himself from their grasp. Thus S. Th. 2. 2. q. 6q. art. 4. . q. 7. n. 51. Now (as the same authors warn), let there arise neither public scandal nor disturbance from this. II. By converse implication, it must be said that if the sentence is altogether just, because the true crime has been truly committed by the accused and sufficiently proven: then it is not permissible to positively resist it, as St. Thomas teaches in ibid., with Bus. hoc: and similarly elsewhere. Reason, because when the sentence is just, it obligates the guilty party to obey, as St. Thomas says in 280. — But here inquiry is made concerning I.

Whether the guilty person, who has truly sinned, can flee from prison? It is affirmed I. If the defendant has not yet been sentenced to punishment: because no one is held bound to suffer punishment before a sentence is pronounced, as in q. 8, n. 53; namely, if someone is condemned to death or to some other severe penalty, as below, merely that person's imprisonment should not be assigned for the punishment, but for custody, as taught by S. Th. 2-2, q. 69, art. 4 ad 2. Yes. Bus. hè: . c. et cum communi.

Reason, because the sentence does not condemn the accused so as to avoid fleeing, but merely so as to not resist the ministers when they carry out the sentence. The same thing which is said concerning the penalty of death, they say likewise concerning the penalty of mutilation and whipping. And similarly concerning the penalty of triremis they speak in section 4. Now if a prison has been already assigned by sentence as a punishment for an extended period, then it must not be allowed to the accused to flee from that prison, because in the execution of the sentence he is justly bound to obey. Thus Nazar. Syll. n. 54. et c. cum comm. contra Bus. However, some accept that, if necessities for sustenance are not given to him in prison, then .

Or perhaps if the prison were excessively miserable, because it seems to exceed human capacity that someone be obliged to remain in it when he can be released without violence and resistance against a very harsh penalty. Ita Bon. cum. Th. 2. 2. q. 6q. art. 4 ad 2. quod damnatus, ut per fame pereat, licite cibum sumit. By the same reasoning, it is probably excused according to Lugo, canon 60 in the final (contra Sayr.) when the condemned flee from prison by means of triremes; and even by the triremes themselves, as more probatively held by Sanchez Decretum, lib. 6,

cap. 8, n. 16, and Lugo, Cardinal. No. when c. (contra Vasq. et alios.) Similarly, it is also probable concerning the office of seculars in doubt.

VII 111 with 281. — Quære hic II. The condemned criminal, justly sentenced to death, should be prevented from fleeing from prison if he can. The first judgment affirms, because otherwise it would seem that one would be killing oneself. Thus Imola and Felin., at n. 6i., and assert thus to be collected from St. Thomas who in II. 2. q. 6g. art. 4. ad 2. d., says that one justly condemned to death is not bound to do that which would lead to his death, namely to remain in place whence he will be led to death. Although they call this sentence probable, n. 63 far more true and hold to be binding the second sentence, which teaches that neither the one detained in prison for a capital crime nor he justly condemned to death is bound not to flee, as they say Syllo.

Soi. Yes, and more with n. 63. Reason, because although the Accused cannot perform an act immediately directed toward death, such as maiming his own limbs, hanging himself from a gallows, drinking poison, etc., yet he is permitted acts that are mediate, such as ascending the ladder of the gallows, extending his neck to the gibbet, and thus remaining in prison; especially if they have a just end, so that reparation may be made for the crime, and that his punishment may profit others by way of example. Thus understands S. Thom., supra, who does not say that the Accused is to be prevented from fleeing, but only that he is not to be confined in prison when he can flee. But the doctrines which have been hitherto referred to speak of a case in which the sentence was entirely just or entirely unjust. Remains doubtful whether then he himself could avoid the punishment by not only fleeing from the prison; but also positively resisting?

Bus. denies this, and it seems that they assent by saying that the Accused is bound to obey a just sentence according to what has been established. Altamir. c. cap. 2. q. 7. et Lugo D. 40. n. 29. sat probabiliter dicunt, quod in hoc casu bene posset Reus positivè e defendere; quia præsumptio debet cedere veritati, et ipsa innocentia tunc ad defensionem jus præbet: modo ex ea non oriatur publicum scandalum, et pertulatio, ut supra diximus cum S. Thom. et aliis sup. « 1. Regularly it is permitted for the Reo to flee, even though the keeper of the prison will suffer a grave damage thereby (unless he has sworn to remain), because he makes use of his right and does no injury to anyone. unless however charity should suggest otherwise, outweighing the damage to the keeper. See Bonac. d. 10.

Question third, article second, number thirteen, two. It is more permissible to flee so as not to be captured; or even to be taken by one's own

adversary; yet not to have force inflicted upon him by wounding, striking, etc., ibid. et Regin. l. 4. n. 4. » 222. — « 3. It is permitted, even in the forum of conscience, to deceive (by a precise lie, and by injury), to deliver food and drink, " so that they may be lulled to sleep, or by procuring so that they may abstain; likewise to break bonds and prisons, because, when the end is licit, the means are also licit.

And although others who were captives might be simultaneously enjoying themselves through the broken wall, it will not be held as a loss; for such is merely an accidental cause of his damage, since he is using what is rightfully his. It matters not that certain laws and magistrates severely punish such effractors; for they do so either following a contrary judgment or out of presumption, because violence has been offered to the custodians, or because of some supposed good. See Cardinal of Lug. "d. 40. sect. 4." The same (that is to say, what it is permissible to break fetters) appears probable with Bus.

Caj. The Sun. Value. Not. . 67. and q. 8. Reply 3 against Cochar.

Syllogism. But the opposite is probable with Bann. White. Saying. Because that damage occurs by chance; nevertheless, he who has the right to defend his own life also has the right to inflict damages upon another in goods, if it be necessary to inflict that damage for the defense of life.

They also consent with no. 75 and q. 8. R. 5., dicendo quod licet reo decipere custodem ut possit fugere modo tamen tales actus et verba adhibeat ut possit custos fraudem agnoscere. Otherwise, if the custodian cannot advert to this, then it is in no way true that the custodian knowingly and willingly suffers harm by opposing his escape. So Sabn., cui obsequium datur, servus est; sed non valent intelligi causas, cur Reo, cui licet fugere, non sit etiam liceat uti artibus ad fugaendum (dummodo mendacia non adhibeat), etiamsi illas custos non possit advertere, et ex fuga damnum ei sit obventurum, cum Reus tunc utatur jure suo, et damnum custodi per accidens eveniat. The doctrine favors me, which Buscm b. and many others hold in n. 67., namely that a man condemned to death can properly break prison bars in order to flee; although damage may thereby come to the keepers, as expressly teaches 77.

Reason, because then the Reus attends to a thing lawfully. They assert however, C. and whencum. But I am also unable to acquiesce in this doctrine; for although each one has a right to life, no one can nevertheless induce another to perform an intrinsically evil action by way of damage; now, if the door to the custodian be opened by the accused to flee, such an

action is certainly intrinsically evil, since it offends against his own Office. Therefore, I do not know how such a positive custodian can be induced to that. 283. — « 4. Those who are not ministers of justice, although they may not only counsel the criminal to flee with their advice, but also provide instruments of assistance, such as ropes, ladders, etc., because it is licit to suggest a lawful end to another and to propose means thereto. c. t. 6. Note 40.

Tann. l. c. Sylo. . 7. n. 72. and R. 4. against Sot. Syl. Tab. and contra. num. 17.

However, correctly limiting. And with Lugo, if the flight of the King were pernicious to the Republic, it would be supposed that the King were a robber or something similar. » « 5. Nevertheless, it is not permissible to assist in the breaking of a prison, as the common opinion holds (cum . c.). For the execution itself of the breaking by the prisoner is licit on account of the law for the preservation of life; and also lest otherwise all security of the prison be destroyed: . c. 284. — This question is hereby investigated I. A condemned person, so that he may die from hunger, is to be compelled to take food if it is offered to him? It is certain that what can be learned from S. Th. 2-2, quæst. 6q., art. 4, ad 2, with the common.

Others, however, say that even one must be held to take food, because each ought to preserve his life by any licit means so far as he can. Thus etc. with n. 8 and this agrees with Lugo, D. 2, n. 3, who nevertheless admits it to be possible for the Accused once or twice to receive secretly offered food. But it is not held with greater probability, because to positively lose one's life is different from negatively not preserving one's life; for this latter is licit for the Accused king, rightly motivated by justice, that he may suffer the punishment due his crime, and it is congruent that he not flee when he can, as we have said. Thus, according to the Major, whom they sufficiently approve: and considering the opposite more probable, they do not agree with it, since in the same text from n. 34 they maintain that it is well for someone to yield a plank to a friend in a shipwreck on the same grounds as ours, because this is not directly to kill oneself, but merely not to protect one's life, which is permissible for a good reason. It is asked II.

Whether it is licit for others to provide food to the Accused? It is responded from common Decrees: this is permitted to all, except ministers; but no one is bound to do so, because he who is condemned by law to perish through lack of food is deprived of his right, that others may assist him in extremis necessity. Thus S. Thom. 2-2. quæst. 31. a. 2. ad 3. c. 7. n. 84 et 85. Whether, however, the criminal himself can kill himself in

accordance with the command of the Judge? There are two probable opinions.

See what has been said regarding five. Proc. l. 3. n. 36. 288. — Whether it is permissible for the Accused to appeal? « Resp. If he knows the sentence to be just and the process to have been justly conducted, it is not permissible (although one may nevertheless petition); because that would be to impose humility upon the Judge. But he who appeals unjustly is held liable for damage. » Si vero putet sententiam iniquam esse, aut injustè processum » esse, aut si diversæ sint opiniones, potest appellare.

V. . c. n. 100. We say that it is permissible for the defendant to appeal to the Supreme Judge for greater understanding, not only if the judgment of the inferior judge was iniquitous or unjustly proceeded. IV. ON THE PARTICULAR PRECEPTS, CHAP. III. Even if the sentence be unjust, or even if it have been just according to the alleged grounds, nevertheless the accused may have new proofs in his favor. n. 38. no. 42. What, if the justice of the sentence is widely doubtful?

Resp. In causa criminali et capitali potest profecto Reus appellare ad Judicem Superiorem, ut c. 7. n. 57. And this is so even if the right of the matter be less probable, because the Doctors cited with Fulguera say that, given an existing opinion favorable to the defendant as more probable, albeit less probable, it should be judged in favor of the defendant, according to the rule of law in 6. When the rights of the parties are obscure, it is more advantageous to the Accused rather than the Plaintiff. See the aforementioned statement number 210. In like manner it must be said in matters of civil law, when certainly the law against the accused is less probable; because then the Superior, if he judges according to a less probable opinion in favor of the accused, will certainly act unjustly, ex c. 7. n. 46.

But what if there is a doubt, whether the Superior Judge will be just in pronouncing judgment for the Defendant? In such a case, it is probably true that according to Bus. the accused may appeal even in civil matters; because, since human minds are diverse, perhaps the opinion which the inferior judge found less probable will appear more probable to the Superior, and thus it is licit for the defendant to try this practice with just cause when he already has a probable right on his side; and so it seems to be the practice of all appellants. ## DUBIUM VIII. ## How one should act in confession with the accused. 286. — « Resp. observanda sequentia: 1. » Instruct him that which «which in the forum of conscience acts with him, since it is not communicated to the judges, therefore neither if it be harmful nor if it be innocent can it either profit or prejudice him.» Reason,

because otherwise many would endeavor to falsely prove innocents innocent, so as to be confirmed by the Confessor: others, on the contrary, falsely claim innocence, fearing that the Confessor might communicate with the Judges, and thus they might be recalled for torture. Wherefore it is expedient: 1.

That the confessor may not rashly publish what has been received outside the confession. That the confessor may not rashly absolve a penitent of confessed sins outside of confession; for it would hardly be possible to compel him to confess everything out of fear, lest either the same thing be deferred or forced upon the judge to acknowledge again; yet before this, contrition must be dealt with. I owe 1. 6 c. 1. s. 3. Tann. d. 4. q. 5. dub. 4.

» « 2. Let him not compel the accused by importunate means to admit themselves such: for indeed some are not truly such; and overcome by that importunity, they may confess a sacrilege in order not to die without communion or be deserted from the Confessional at the last extremity; also because confession is vain unless it proceeds from contrition and true conversion to God; therefore let him labor in this, and good confession will follow, not the contrary. » « 3. Let him beware lest he before the accused censure the judicial mode of proceeding: henceforth therefore he will commonly not admit complaints about an injury done, since it is not for the Confessor to judge such matters but to dispose them toward penance. Even though some authors permit the judge to use baits to elicit a crime, nevertheless this is not permissible for the Confessor, so that his ministry may not be defamed.

It is not permitted according to the Council of Antioch, ch. 33 and 35. It is not permissible to openly interfere with tortures or suggest a method of twisting, unless it be milder. See Tann. d. 4. q. ult. d. 5. n. 128. "6. It is expedient to have knowledge of the known indicators and proofs gathered in the judgment, as well as the manner of the process itself, so that one may act more prudently in one's own forum, and admonish the judge, where necessary, wisely. 287. — « 7. Let him examine in the confession.

Si consortes criminis prodiderit (secundum supradicta tenebatur) et quidem si falsis alios infamari inducat, ad revocationem inducatiamque eveniat, etiam cum periculo torturae. V. Tann. d. 4. q. 3. d. 4. n. 103. et dicta dubio superiore. 2. If it is a saga, at what time, by what occasion it has fallen into magic, so that if later it denies, it may be convinced in the same forum. In the quality of superstition, whether he has renounced by his heart the faith of Christian religion, adored a demon, sensed false things concerning God and eternity, has abused sacred things, has harmed men, especially those joined to him in particular, such as husband,

children, or others, and seduced them.

Item de peccatis carnalibus. Finally, let the confessions reveal the deceptions of the demon, instruct how one should thereafter encounter them, and among other things, urge a profession of faith and frequent repetition of the Symbol. 288. — « 8. Often it is not expedient to signify after punishment that the judge has revoked the final accusation in extremis; firstly because judges do this trivially (which is rightly so, see c.); secondly because it breaks the seal of the Sacrament if, without sought permission, it reveals the innocence of the accused, thereby also revealing the sin of the accuser himself. Wherefore, si aliquando Judicem monere expediat, rogandus est reus, ut id extra confessionem et coram testibus dicat eo fine ut Judex moneatur. 289. — « 9. If from a confession one should gather the innocence of someone (which although difficult is not impossible as it teaches question 5 of the fifth doubt number 85), for a judge to make known this and intercede on behalf of the accused is perilous: because after the public confession of the matter, he will not be believed; firstly, because if many hear it, by keeping silent about the culpability of others through the breaking of the seal, it seems to confirm their harmfulness; secondly, because if they come to know that he intercedes for him as innocent, they will cunningly seize an opportunity to conceal his own crimes.

See. 3. t. 6. c. 5. Tann. d. 4. q. 5. p. 4. n. 65. 290. — « 10. Although those justly condemned for their crimes may sometimes intercede, especially before the Supreme Magistracy, according to Scripture. Proof article 4. Eruc eos valde tamen prudenter et moderatè id faciendum, quia relaxatio potest esse illicita, ju- "16 LIB.

IV. ON THE PARTIAL PRECEPTS, CHAP. III. The deacon (and yet not the confessor, unless he has foreseen this) will become liable for all evils which follow from liberation; rather, they themselves will be imputed when it should have impeded according to the Office. See Bonac in 8. Prac. d. 10. qu. 2 et 3; 4 qu. 5; d. 4. ## DUBIUM IX. ## What is the obligation of Physicians and Apothecaries and Surgeons? 201. — « RESP. »

They are bound first of all when they seek or undertake such an Office with a sufficient grave obligation to have knowledge, or expertise. n. 60. 26. n. 1. Next, in curing the sick, one should observe the following rules: I. Ordinarily they should follow the opinions of Physicians secure and safe. The reason is danger, and harm to the neighbor. Thus Bon. . 1. mor. c. 9.

II. When a certain medicine is established as "beneficial," that is, one

which will certainly benefit certain sick persons, they are bound to use that, neglecting what is in doubt, because otherwise they would imprudently leave their neighbor in danger. III. If "non sint certa pharmaca, debent adhibere probabiliora, tum quia alioqui salutem proximi in discrimen adducerent: tum quia tenentur fungi officio, quantùm possunt, cum minimo proximi periculo, et damno. IV.

When there is no hope for the salvation of the sick person, and a remedy does not exist except one about which doubt arises as to whether it will be beneficial or harmful, they can use it, nay, they ought to use it. The reason is because thereby the affair of the sick man is managed usefully, and if death follows, it will not be imputed to them, since they have no other hope of life. 1. fr. 1. c. 5. 2. qu. 4. p. 9. © (It is probable, according to the aforementioned law, book one, number forty-six.) © Whereupon it is resolved: « 1. The physician sins. If he shall attempt to cure a serious disease without sufficient expertise. If to one encountering a grave and unusual disease, he does not bestow special diligence.

If he administers a drug to the sick person which he believes more probably harmful than beneficial. 4. If inexploratae medicamina adhibeat gratia explorandi, præsertim quando de iis non est opinio probabilis, et habet medicamenta probabiliter utilia. 5. If the nature of the disease is not well perceived, temerarily employs doubtful or perilous remedies, especially when there is a risk to life, or a serious injury. Si cognito aegroti periculo opportunè non adsit, aut necessariam curationem neglegat, aut alios medicos adhiberi non permittat. 7. If anything tends to the contrary of the honor of God or the opposite of His precept, such as incantations, pollution, superstition, etc. 8.

If easily and without necessity he absolves from fasting, he permits the eating of flesh meats. 9. If he despises a poor sick person constituted in danger. V. Bonaventura, loc. cit., Axorius, I, p. I, l. 2, c. 17, q. 11. Scourge.

Book 2. E. 3. c. 9. § (Recte hinc dicit Croix l. 4. n. 1534. percare DE OFFICIO SÆCULARIUM. DOUBT. X. 117: "Medicum, qui omittit medicinas gratis praescribere pauperibus" in gravi periculo constitutis.)˚ « 2. The apothecary commits a sin 1.

If a rude and ignorant person shall exercise the office. 2. If without art or diligence he prepares medicinal remedies. 3. If he uses honey in potions instead of sugar. 4. If one medicine is administered in place of another (unless indeed it were equally good and not of lesser value), against the prescription of a physician, when there is a great danger of serious harm. ˚

(See what has been said about contracts, 1. 3. n. 821.) See Salas, d. 3 4. 5. If he sells medicines for not inducing labor, or for expelling a fetus.

If he sells useless medicines, etc., V. Escob. l. c. ## DUBIUM X. ## What obligations of merchants, craftsmen, and other secular persons. « RESP. They are evident from the words concerning the seventh precept; from which you resolve: 292. — « 1. The merchant commits a sin. If he sells poison or any other prohibited thing with suspicion of wrongful use (See what has been said in sections 1 and 2, n.72).

If he is prepared to receive any price whatsoever, even an unjust one, from the buyer. If he sells a dear thing at the highest price on account of delayed payment. If he does not reveal a grave and hidden defect in the merchandise: he shall diminish both weight and measure. If through an unjust monopoly he institutes injury in purchases, all goods of one kind will gather to him, selling them at excessive gain for his own profit. If he who does not know buys goods at a lesser price or sells them at a more expensive price to one who is ignorant.

If he mixes old and useless goods with new ones, and sells both at the same price, 8. If he defrauds in just tribute. q. If at the proper time, when able, he does not pay his creditors, causing them great damage. io. If he pay with goods what money owes against the will of the creditor. 11. If on feast days he publicly buys or sells contrary to the permitted custom. If he swears falsely that he has purchased goods at such a price.

If anyone contracts anything, being in doubt about its justice. 14. If he buys stolen goods, etc., V. Escob. tom. 2. E. 2. cap. 12. ˚ (See what is said about Restitution, book 3, number 509.) ˚ « 2. The bibliopole commits a sin.

If he sells prohibited books, or licentious ones. If he sells a defective book as if it were complete, etc., « 3. The money-changer, or the goldsmith, sins [thereby]. If he sells bronze for gold, or silver. If he mixes more copper with the gold or silver than the assay requires and does not signify a reduction to the purchasers nor diminishes the price, he sins.

If from things stolen he purchases something in bad faith. If he sells a common stone for precious, or a precious one for a vile one, etc., 118th chapter. IV. ON THE PARTIAL PRECEPTS, CHAP. III. « 4. Tailor, shoemaker, and other craftsmen sin intentionally.

If they swear that they will finish the work on such a day, knowing or

doubting that it will not be done. If they demand more material than is necessary for the work; or if they retain any parts of a moment that remain, without the will of the master. 3. If they violate a feast day without a grave cause, either themselves or through their servants. See Bacob. lib. i cap. 13. # FIFTH BOOK. # ON THE REASON FOR KNOWING AND DISCRIMINATING SINS. # TREATISE PREAMBLE.

CONCERNING THE ACTS OF HUMAN BEINGS IN GENERAL. My mind is not, benevolent Reader, while writing about moral theology which is wholly directed towards practice; to present you with a treatise on human acts reduced to scholastic questions; but rather, desiring to consider your welfare and that of souls, I think only to choose those things which are more useful in this matter and which are considered necessary for knowledge pertaining to practice. Is it not true, if I were otherwise to act and squander my effort and time in writing, and you were to vainly waste your time in fruitless reading of such things? Therefore, I beseech you, do not expect this treatise to be wholly completed by me in nearly all respects, since more important matters remain still sufficiently involved. However, I have nevertheless employed the greatest diligence, so that I might transmit doctrines by which I may profit souls without hindering their progress.

Hence it is that I do not think we should depart from the sound doctrine of Doctor Angelicus, where it can be held; for herself, indeed, leading in theological matters one walks with an innocent foot. Therefore let the ## ARTICULUS I. ## be about the nature, and the multiple division of human acts. I. The human act strictly speaking can be defined as a "deliberate act proceeding from human will." For indeed «only those actions are properly called human (says St. Thomas 1. 2. q. 1. art. 1.), of which man is the master: but man is the master of his own acts through reason and will. »

Therefore those actions are properly called human, which proceed from deliberate will. Since an action is to be considered human and moral, it must be understood and freely performed; otherwise, where either ignorance or involuntary coercion is present, it should rather be termed mechanical than moral. II. Hence it is inferred that all actions which do not proceed from the deliberate will of man are commonly called actions of a man that are not human. III.

Human acts are multiplied and divided in various ways. For some are called acts elicited, others commanded: from these some are called good, others evil. From goods some are natural, others supernatural: from supernaturals, some are meritworthy according to condignity, others according to congruity. Finally, some acts of man are interior, others

however exterior. Of which individually.

IV. The human act is called elicited when it proceeds immediately from the will; such are love and hatred. It is said that an acted upon act proceeds mediately from the will itself, such as walking, speaking, writing, etc., which proceed from the will commanding other powers namely movers, to produce such acts. These acts, whether elicited or commanded, insofar as they proceed freely from the will, are called moral acts, or good, or evil. These are called good who are consonant with right reason: but those that are dissentient from it are called bad.

Acts naturally good are those which can be performed by natural powers alone: supernatural ones, however, cannot be elicited except with the help of grace: such as acts of Faith, Hope, Love, etc. Meritorious by way of congruity are those by which a reward is due according to justice: but those meritorious by way of proportionality merit a reward only on account of decency. But interior acts do not open to any sensible sign. Externals, however, are manifest externally. V. Interni vero patet externis signo. Now it must be said concerning the intrinsic principles of human acts that they are pre-noted internally.

These three are these Principles, namely, Intellect, Will, and Liberty. The intellect influences the moral action through conscience, that is to say, knowledge of the act and of the law. Wherefore, concerning the topic of conscience, much is said about the intellect. Now therefore it remains to be discussed concerning the voluntary and the involuntary, subsequently concerning freedom, which are the more potent principles of human acts. Hence ARTICLE II. On the Voluntary and Involuntary, and Their Causes. §. 1.

What is voluntary, and how manyfold does it exist? VI. Penalty is due, because this term, Voluntarium, at other times is received in the same sense as Spontaneum, namely when something is done spontaneously and from the inclination of will without any prompting precept, or fear, violence, or deceit. But indeed, one thing is voluntary, another spontaneous. For every Voluntary is Spontaneous, but not every Spontaneous is Voluntary.

Sometimes Voluntary is received for Free; although not every Voluntary is Free, nevertheless every Free is Voluntary. Finally, it is received in another sense, in which it is defined and distinguished from us. VII. Thus voluntary can be defined as: An act proceeding from an intrinsic principle, or from will with knowledge of the end. Thus St. Thomas 1. 2. q. 6. art. 1., after

Gregory Nyssenus, 3. tr. 2. c. 1. §. 1.

Therefore, Sylv., two things are necessary for constituting the reason of the Voluntary, namely, that it proceed from an intrinsic principle, or from the will with some knowledge of the end. Concerning the Voluntary and the Involuntary. VIII. Hence it is concluded first, that those actions which are performed solely from an extrinsic principle, such as those which are done by force and constraint, are not called voluntary. 2. Similarly all actions which proceed from an intrinsic principle but without any knowledge of the intellect cannot be called voluntary. That some action may be said to be altogether voluntary, it is necessary that knowledge be had according to all its parts and circumstances; for if any are unknown, the action is not said to be voluntary with regard to that unknown circumstance.

Thus he who accedes to a woman, knowing her not to be married, does not commit the sin of adultery, but only that of simple fornication, since he involuntarily possesses the circumstance of Marriage, which he ignores. 4. It is said that where there is no attention, there is neither voluntariness nor sin; this occurs in the actions of sleepers, which are simply involuntary. Where indeed there is a sufficiency for turning, there is semi-voluntary, and there is venial sin only, as happens with those who are semidormant. IX. The voluntarium is multipliedly divided by Theologians. 1.

In voluntarium simply, and voluntarium in a certain respect. That proceeds from the full inclination of the will without any opposition. This, however, proceeds indeed from the consent of the will, but with resistance. This is the projection of goods into the sea done out of fear of shipwreck. It is divided into free or contingent, and necessary.

First is the will, which operates with indifference towards willing and not willing. Such is the love of the Wayfarer towards God. According to the will determined to one thing, as is the love of the Blessed in God, it is because the greater the love, the greater the voluntary, that is, the greater inclination of the will, and the greater knowledge of the intellects. Such is the necessary love of God towards Himself, or the love of the Blessed, by which they are directed with their whole endeavor towards God. It is divided into three.

Voluntary in itself, or expressed, and in the cause, or implicit, or virtual. That which is voluntary in itself is called such when it is willed in itself and immediately; for instance, when someone steals something, because he has in himself the will to steal. Voluntarium vero in causa est volitum non in se, sed in alio, quod apprehenditur saltem confusè uti causa alicujus

effectûs. In this manner is called the voluntary killing of a man executed by him who himself had voluntarily become intoxicated, foreseeing at least in a confused manner such a kind of killing. It is divided into 4. voluntary directly, and indirectly.

That proceeds directly and immediately from the will, as from the efficient cause. This however, although it does not proceed immediately from the will, nevertheless depends mediately therefrom. But nobody does not see that this fourth division of Voluntariness can easily be reduced to the third. This however, although it does not proceed immediately from will, nevertheless mediately depends upon it. Here it should be noted that, in order for an effect following its already voluntarily posited cause to be called and himself indirectly a voluntary cause, as we have said above, and simultaneously imputed to merit or demerit, three things must concur: 1) that the agent, by positing the cause, at least in a confused manner, advert to such an effect following from that cause; 2) that he be able to prevent such an effect by removing the cause; 3) that he be bound either to remove it or not to posit it.

Thus S. Thom. 1. 2. qu. 20. art. 5., where he says: "Even-itus sequens... si est praecogitatus, manifestum est quod addit ad bonitatem vel malitiam actus." For when anyone considering that many evils can follow from his work does not therefore abandon it, thereby it appears that his will is more disordered. Sylv. in hoc articulo ait quod S. Thomas hic usurpat vocem: Praecogitatus, quatenus idem sonet ac volitus et intentus seu praevisus et intentus: quemadmodum ipse Angelicus in quaest. 73 art. 8 ad 1 pro to praecogitatus utitur vocabulo praevisus et intentus dum ait: Congruent etiam supra dictum est cum de bonitate et malitia exteriorium actuum age retur; eventus sequens si sit praevisus et intentus (sed supra dixerat praecogitatus) addit ad bonitatem vel malitiam actus. Then indeed, the effect following is considered to be willed and intended not only when it is aimed at from a purpose, but also when it is so foreseen as to follow, so that it might have been hindered if able and bound to do so, yet was not hindered; then it is interpreted or indirectly willed. Finally, concludes S. as cited above: « Si autem eventus sequens non sit praecogitatus..., si per se sequitur ex talì actu, et ut in pluribus ..., addit ad bonitatem vel malitiam actùs. »

Thus if by chance, and as happens in fewer instances. Here Sylvius teaches, and he shows that the following event per se and as is usual adds to both goodness and wickedness, because if it is not preconceived in itself, it is certainly foreseen and intended in another, namely in its cause, and virtually. XI. For the same reason it must be said that omission as being voluntary and culpable requires three things: 1. that one could have

acted; 2. that one ought to have acted; 3. that one did not act. Thus from S. Th. 1. 2. q. 6. art. 3., "Scien- dum quod non semper id, quod sequitur ad defectum actionis, reducitur congruent in causam in agens ex eò quòd non agit: sed so-lùm tunc quum potest, et debet agere."

» XII. From the definition of the Voluntary as above delivered, it is easily gathered in what respect the nature of the Involuntary has been established. If therefore the Voluntary demands primarily that it be intrinsically from the beginning, and secondarily that it be with innate cognition, as we said in §1 n.7; it is necessary that its opposite, namely the Involuntary, arise either extrinsically from the beginning against the inclination of the will, as happens to an agent by force or fear. Either it be made without intellectual cognition, which is either taken away or at least restrained; as happens to the agent through ignorance or passion. Thus commonly DD.

Saint Thomas. Thirteen. The involuntary is manifold. Another thing is involuntary in respect to prioration when only the act of willing what one can will is lacking. Another thing is called involuntary both positively and contrarily, namely when something not only is not willed, but is positively unwillingly rejected, contradicting its own will.

Again, the Involuntary is opposed simply in one way, and in a qualified sense in another way. First is that which so disobeys the will, that in no way and for no reason does it wish it. According to which, it is said that although something may displeasure the will under one aspect, yet under another aspect it pleases more and is accepted. Such is the casting of goods into the sea out of fear of shipwreck, which, from the perspective of the merchant, is involuntary in a certain sense; but from the perspective of the greater imminent evil it is voluntary simply. XIV.

From what has been said above, we gather many things for practice. 1. Qui summo mane diei festi se inebriavit, non praevidens ex eo sequaturam Missæ omissionem, non peccat propter illam omissio-nem sacri. We have given a reason §. 1. n. 10, where we stated that the following event is not imputed unless it be foreseen in itself, or in its cause. 2. Si causa quae ponitur, natura sua inducat talem effectum malum, tamen necessario poni debet; tunc effectus malus, licet praevius, non tamen voluntarius et intentus, nullo modo est imputabilis, si aliquam praeutionem operans adhibuerit. Thus is not imputed to the Surgeon the pollution which he foresaw would follow "necessarily from contact with the parts that require care in a Woman, provided that he does not wound her."

Neither is imputed to the student on account of his own and others' utility the transgression of the sixth precept, if he himself intends such an effect, provided that he repels complacency in the act whence pollution follows. The reason is because then one is not bound to remove that cause or not to introduce it; and he who makes use of his own thing purely is not called the cause of an effect unintended and followed by accident; rather, in such a case it seems more like suffering than acting. Consequently more strongly, the effect following from another honest and legitimate cause is not imputed, such as pollution arising from riding, or from moderate use of food and drink; for then the effect is unintended by chance and according to S. 3. Nor easily should the Confessor believe a penitent who excuses himself for having pejored, blasphemed, or uttered obscene words without advertence and involuntarily, as from habit: not if he has not sought to extirpate that habit by employing some remedies; then it is voluntary in the cause when he pejored, blasphemed, etc., and therefore he is not excused from guilt: but rather, if through diligent precautions he inadvertently blasphemed, burst forth into obscenity, and acted similarly. Now it is necessary to proceed to the causes which are the sources of involuntariness, such as Vis, Metus, Concupiscentia, and Ignorantia.

Therefore let it be stated in Section ##. II. Of Violence, and Fear. Fifteen. Violentum is defined as that which is from an extrinsic principle, repugnant to what suffers force. Thus commonly D D. Th: and Auct.

Ethics 3. chapter 1. Hence it is inferred that two things are required for the nature of violence. That it is extrinsically from the beginning. 2. That the sufferer resists positively by virtue even against an external agent who acts in opposition. For it is not sufficient that it be negatively performed; otherwise, the justification of infants would be violent.

It is collected from BOOK 124, CHAPTER LIB. V. TRACT. OF THE ACT. MAN.

ARTICLE II. ex S. Th. 1. 2. q. 6. art. 5. ad 2. ubi ait: "Cum actio infertur ab aliquo exteriori manente in eo, qui patitur, voluntate patiens, non est simpliciter violentum, quia licet ille qui patitur non conferat agendo, confert tamen volendo pati." XVI. Another kind of violence is that which is said to be simply and absolutely; another is according to a certain respect. The first is when one resists in every way possible that which he can with any means. The other is when one does not resist by means.

XVII. I first say that absolute violence, and simply speaking, causes an involuntary act. The reason is that when the will of the patient resists the

extrinsic agent with complete opposition, then the action of the agent will be null insofar as it is willed by the patient, because it will be contrary to every inclination of that will, and consequently simply involuntary. That is taught by St. Thomas in the aforementioned place. Hence it follows that a virgin, who omnimode resists the violence inflicted upon her against her virginity, does not sin even if she suffers the rape involuntarily.

Hence that which Augustine says in book 1 of The City of God, chapter 17, where he speaks of Christian women who were subjected to violence by the Goths when Rome was captured: «Whatever is done or happens in the body, or to the body», (he says), «that cannot be avoided without one's own personal sin, beyond culpability it becomes that of the sufferer.» We say the same in similar contingencies. XVIII. I say further that violence in a certain sense and insufficiencies do not remove, but merely diminish the voluntary. The reason is that where the will does not resist as much as it can, there remains in some part a reason for voluntary action.

And according as it employed greater or lesser resistance, its action will be more or less voluntary, and culpable. XIX. They inquire whether violence can be inflicted upon the will. We respond briefly, granting that it can be imposed on the will with regard to acts imperated, but denying it with regard to acts elicited. Thus speaking about acts elicited.

St. Anselm, in the first book on free choice chapter 6, says: "No one can will unwillingly, because he cannot will when he does not wish." » Nor can God Himself compel the will as regards free acts: for then the will would will and not will at the same time. He wills indeed, ex hypothesis; but he will not, because what is contrary to his own willing would be willed by him who freely wills, which is implied in the terms themselves. Tamen Deum potestas est mutare voluntatem et ex nolente facere volentem per gratiam efficacem. But then it is not to be coerced, but rather for the old inclination, which did not wish, to accommodate a new inclination whereby it wishes what it previously did not wish.

Let it be read, S. de rito, articulus 8. Gomet etc. Now concerning Fear. The matter is treated in S. de rit. art. 8. Now concerning fear. Fear is defined as mental trepidation caused by the present or future danger.

L. says Prætorff that an act will be performed out of fear. We are speaking here only of fear falling into a steadfast man, or of fear of a greater evil, as Labeo says in book 5, same title. Metu dividitur in gratiam, sive justam et lecam. That is called a light fear which fears a slight evil, or which indeed fears a serious evil, but for a light and improbable cause. Metus vero

graecus dici potest ille qui timet malum grave ex causa valde probabili.

Commonly are considered grave evils death, mutilation of limbs, severe beatings, a harsh prison, exile, servitude, great infamy, proscription of goods, the removal of instruments of one's art by which one cannot seek sustenance through labor, etc. In other cases, the weight or lightness of fear must be considered, especially on account of different temperament and quality of persons; for boys and girls are greatly shaken thereby, whereas it does not even lightly touch men. We speak here of him who acts out of fear as the sole cause moving to act, and not of him who acts together with fear, which certainly does not remove voluntariness. XXI. I say that fear does not cause something to be simply involuntary; but only in a certain respect; which is the same as saying that whatever is done through fear, whether light or grave, is simply voluntary, being involuntary only in a certain respect. Conclusion from D. Thomas, I, 2, q. 6, art. 6, commonly.

The chief reason is that something is voluntary simply and involuntary merely according to some circumstance, inasmuch as we truly will this both now and at all present circumstances; but we merely do not will it when the thing is considered absolutely and abstracted from present circumstances. Those which are produced from fear are of this kind. Therefore, those things which are produced through fear are simply voluntary, and involuntary only in a certain respect. The case is clear in the example of the casting of goods into the sea on account of imminent shipwreck. For the merchant simply wills that projection considering the present circumstances of danger to life, which is directed to a greater evil necessarily to be avoided: he does not will that projection in some way, namely outside the case of imminent shipwreck, if we consider that projection of goods as it is in itself and absolutely, since it displeases the merchant's will.

Let S. Th. 1. c. Gonet, XXII, be read. From these words, many things are gathered for practice. First. Contractiones, quae fiunt ex metu gravi, de jure naturali sunt validi, quia simpliciter voluntarii. II.

Such contracts, concluded through unjust necessity out of fear, can be rescinded and rendered void by him who has suffered the injury. Thus it is said in the chapter of the abbot concerning those things which are done by violence, etc., III. Nevertheless, according to positive law, many contracts concluded through an unjustly pressing fear are invalid and annulled by the Church or by civil law for just reasons. Such contracts are matrimonial agreements concluded through grave and unjust coercion, even if confirmed by oath; c. Significavit de eo qui duxit. c. cum locum, c. veniens

tit. de sponsabi. Likewise, promises of dower and similar releases obtained by force are invalid.

Vows, and solemn professions of vows made through fear; absolution from excommunication, suspension, or interdict, extorted through force and fear. c. Absolutionis, tit. de his quae vi in 6. et similia. §. IV. Whether concupiscence take away or rather augment voluntarium? XXIII. BY THE NAME of Concupiscence in the present we understand a certain movement of the sensitive appetite against the rebellious spirit, which tends toward a delectable good. The antecedent and the consequent consent of the will are two-fold.

Concupiscence Antecedens precedes the consent of the will, drawing it and inclining it to act, so that when a man sees the most beautiful woman, concupiscence urges him to desire her. Verum consequens sequitur consensum voluntatis; imo ex praevio voluntatis consensu alicui rei jam praestito oritur, ut cum homo vehementer desiderat aliquid, excitatur in eo passio vehenens concupiscentiae. Thus in 2nd part, question 77, article 6, where he adds, "for the will cannot be moved intensively to something without some passion being excited in the sensitive appetite." The same is confirmed in question 73, article 6, ad 2. Now it is most certain that to suppose a concupiscence consequent more intense in the will, neither diminish it, but rather augment it in the will, and sin.

Let S. Th. i. 2. q. 77. art. 6. be heard: « Passio... consequens non diminuit peccatum sed magis auget » vel potius est signum magnitudinis ejus in quantum scilicet demonstrat intensionem voluntatis ad actum peccati. "Concerning the antecedent, we have established these conclusions." XXIV. Conclusion i. The preceding concupiscence does not deprive the will of its voluntariness, but rather makes something voluntary, and increases by reason of greater inclination, thus concludes S. Th. i. 2. q. 6 ad 7.

The reason which it brings forward is that something of an inclination of the will with some knowledge of the end imports what is voluntary. By concupiscence, however, the will is inclined to will that which is desired; and the mind is not at all obscured in the cognition of the thing. Et quia voluntas, quando agit ex concupiscentia, fertur ad maiorim inclinationem in objectum; ideo non solum non tollit, sed etiam auget voluntarium. XXV. The other conclusion is that preceding concupiscence diminishes the voluntary in reason on account of knowledge.

Nay, sometimes it altogether removes the voluntary, because it entirely takes away all knowledge altogether. The first part is proven: Because

knowledge of the end is essentially required for the nature of the will, as has been said multiple times. On the contrary, vehement concupiscence diminishes this cognition; for it hinders so that the mind, enticed by a sensible object, does not consider the turpitude of the act and the offense to God. By this very reason, it extinguishes the voluntary for the diminution of the knowledge of the end. See S. Th. i. 2. q. 7. art. 7. ad 3. and q. 10. art. 3. and q. 73. art. 6. and q. 77. art. 6.

The other part is proven, namely, that sometimes concupiscence precedes entirely the voluntary, because sometimes every judgment of reason and all consent of will are altogether anticipated. Thus in Article 7, ad 3, he says: "If Concupiscence were to entirely take away cognition, it would fittingly occur in those who are made antecedent on account of concupiscence, and consequently it would follow that Concupiscence would take away the voluntary." The same is taught in question 77, article 7, and question 10, article 3. Hence colliginus is gathered that the movement of Concupiscence, which the Theologians call primo primi, namely one who entirely anticipates all consent of will and freedom, are altogether involuntary and blameworthy. However, the movement secondarily from the first principle, which at least supposes a full consent of the will, do not entirely take away the voluntary, but nevertheless diminish it. § V.

What ignorance causes the involuntary? XXVI. Ignorance is manifold, and is wont to be divided into ignorance of simple privation, and ignorance of perverted disposition. Prior est carentia scientiæ, cujus quis fuisset capax pro illo tempore et statu, ut si adultus ignoret ea quae noscere potuisset. The second is positive deception, and an error contrary to truth.

It is divided into Ignorance of law, and ignorance of fact. Ignorance of law is when one does not know that a law, or something is either commanded or forbidden; for example, if someone does not know that abstinence from meat is enjoined on weekdays in the week of Pentecost according to custom. Ignorance of fact is when one does not know that an act itself is prohibited, which in reality is not permitted; for example, if someone ignores eating flesh on a fast day. It is divided into Concomitant, Consequent, and Antecedent. Ignorantia Concomitans est illa, qua quis ignorat id quod agit, sed tamen ageret, si non ignoraret.

Talis est ignorantia illius qui ignorans occidit hostem putans occidere cervum; tamen si sciret, etiam occideret. This ignorance is not a cause of the action, but merely accidentally accompanies the action. Ignorance consequent is called that which follows from the determination of the will insofar as such ignorance itself is voluntary and proceeds from free will.

This consequent ignorance is divided directly into voluntary, or affected, and indirectly into voluntary, or gross, and into ignorance of bad election. The first is that kind of ignorance which indirectly wills the very ignorance itself; as when someone wishes to remain ignorant, either in order to have an excuse for a sin already committed, or in order not to withdraw from committing sin; according to Job 21:14.

We do not desire knowledge of thy ways: and Psalm 35. v. 4. He would not understand, that he might act well. This ignorance labors those who do not seek counsel in difficulties, nor attend conferences and catecheses, lest they fall into bad faith, and are diverted from their purpose. Ignorance is indirectly voluntary or gross when one does not strive to avoid ignorance, but negligently omits to learn what it is necessary and fitting to know. And according to this mode, the universal ignorance of law, which one is bound to know, is said to be voluntary, as though proceeding from negligence.

Finally, ignorance of evil election is that which does not actually consider what here and now can and ought to be considered, and proceeds from passion or from habit. Antecedent ignorance is that which entirely precedes the consent of will, to such a degree that it can in no way be voluntary, and yet it is the cause of willing what one would otherwise not will if one knew, for instance, when someone with applied diligence kills a man whom he believes to be a ferocious beast. This ignorance is also called Invincible. Of this nevertheless invincible ignorance we speak, and of thevincible ignorance we do not speak here, because we have spoken of those matters in 128 LIB. V.

TRACT. OF THE ACT. MAN. ART. III. Twenty-Seven.

I say that antecedent ignorance causes simple involuntariness, because it is not at all willed and truly invincible, which no moral diligence can surpass; hence it is innocent. Thus. DD. commonly. Whether, however, this invincible ignorance could render incapable of giving assent to the precepts of Natural Law, at least to medium conclusions, see the treatise on Conscience. Twenty-Eight.

I say that the accompanying ignorance neither makes voluntary nor involuntary. Because this ignorance neither induces to willing nor to unwilling, neither is a cause nor an effect of the operating will; but accidentally it has regard either to the act of will or to the work which is performed. Only that which makes something non-voluntary can be said, for it is impossible for what is ignorant to be actually voluntary. Thus in

St. Thomas, I, 2, q. 6, a. 8. XXIX.

I say 3. that consequential ignorance does not simply cause involuntary sin. Because this Ignorance is voluntary and has will as its cause, it therefore cannot be called involuntary simply; but at least it causes something involuntary in a certain respect, as St. ## ARTICLE III. ## De Libero, or of the Freedom of Human Acts, says. I say 3: that consequent ignorance does not simply cause involuntary sin. Because this ignorance is voluntary, and has will as its cause, therefore it cannot be simply called involuntary; but at least it causes something involuntary in a certain sense, as St. ## ARTICLE III. ## De Libero, seu libertate Actuum humanorum says. We call an act free either that which is performed without any constraint, or that which can be omitted at will.

Theologians indeed distinguish a double liberty in human acts, namely liberty from constraint, or spontaneity, and liberty from intrinsic necessity, or natural; which is also called choice, indifference, and arbitrium. Liberty from coercion is immunity from every violence brought about against the inclination of the will. With this liberty, the Blessed love God, and we love the good in common. Hence it is that every act of will is free from coercion. Libertas vero a necessitate est ea quae omnem necessitatem excludit, sive interiorem et naturae, sive exterius et coactionis.

In this manner it is said to be free who can act or not act, choose or not choose. Hence is defined free will, that it be a voluntary choice, or a faculty of choosing one thing instead of another. Liberty is subdivided by necessity into liberty of contradiction, in which one can act or not act; into liberty of contrariety, in which one can properly speaking act or do the opposite, for example, to love and to hate; and into liberty of diversity, in which one can act thus or otherwise, but not oppositely, for example, to write or to walk. XXXI. Necessity opposes Liberty, which is manifold.

Another is called necessity of coercion, which is the same as violence. Another necessity of nature, or natural inclination, which consists in a certain inherent propensity of the will toward something that is necessarily to be pursued or avoided by nature itself. Coaction is from an extrinsic principle; it takes away the voluntary and the free; but natural necessity is from an intrinsic principle, and it takes away the free, not the voluntary. Again, there is another kind of absolute and antecedent Necessity, which precedes the use of reason and will: or rather it so expresses consent that the will cannot deny it. Another is Necessity consequent and hypothetical, which follows consent of liberty, and determination of will, and least of all leaves free the arbitrary will, for example.

It is necessary for me to speak, if already you have determined me to speak. There are other divisions of necessity, namely those of specification and exercise, physical and moral, of which we entrust the subtle inquiry to the Scholastic Theologians. XXXII. Once there were Stoics, Astrologers, Manicheans, Wiclefites, Calvinists, Lutherans, who called free will a fragment in things, and a title without reality; finally, Jansenists, who endeavored to invert man's freedom, or free will, attributing everything either to fate, or to the influence of certain stars, or to efficacious grace and concupiscence, not without incredible madness, and perhaps with their protesting conscience and inner sense complaining. The Council of Trent struck with a single anathema those six sessions, canons 5, mixing Scripture and the Holy Saints.

By the most lucid testimonies of the Fathers, and by their own daily experience, which is the Master of things. I do not wish to collect reasons for defending the existence of liberty in man, since it is superfluous to diligently bring forward quite unnecessary reasons in a matter that is most certainly doubtful. It is enough to say that once the free will of man is removed for a moment, laws would be given in vain; and reproofs would be applied in vain, none being worthy either of praise or blame, nor should rewards belong to us from the good, nor punishments to the wicked. That is why it is evident that rather than by words, whoever dares to deny free will should be convinced by blows; thus said Scotus, Vega, and others among the Aristotelians. Hence merited was their condemnation as heretics for the VIIth proposition of Jansenius, which denied the necessity of indifferent liberty for deserving merit or demerit in the state of fallen nature. And from St. Pius V, proposition 67 Bail: "Even a mortal sin is committed thereby," which necessarily follows.

XXXIII. We attach only three propositions to the matter pertaining to liberty, which it is forbidden for Christianity to ignore. The first is that man also enjoys free will, or liberty of indifference, and election, even after Adam's fall. Thus at Trent, Session 6, Canon 3, against the Novators, where this proposition of Wyclif 27 was condemned. All things are conjoined according to absolute necessity.

Augustinus I., de gratia, et lib. arb. c. 1., scripsit: « Revelavit nobis Deus per Scripturas sanctas esse in homine liberum arbitrium, et quisquis negaverit Catholicus non est. » And S. de Verit. a. i. "Dicendum" quod absque omni dubitatione hominem arbitrio liberum ponere oportet. For this very reason Faith is constrained... for these very reasons manifest proofs are brought forward.... for this very reason also a clear reason cogitates, etc. Another is against Jansenium defined by Innocent. X and .

The third proposition is that the essence of liberty in general does not consist solely in the voluntary, but requires indifference to contradiction, or the power to act or not to act.

Thus in S. Th. 2, dist. 24, qu. 1, a. 1, ad 2: "This belongs to the liberty of the will, that it can either act or not act." But it is not required of the essence of liberty indifference to contrariety, that is, the power of doing good or evil. Common Article Number 218. Molin. in sua Ripalda, etc., quia in nobis viatoribus definiebant libertatem per potestatem ad contraria opposita. According to the common opinion, it is stated by St. Augustine 1. ad 3. de Anselmo de libero arbitrio c. 1: «Si posse peccare esset pars liberorum Arbitrii,» Deo et Angeli librum arbitrium non haberent, quod est absurdum.

St. Thomas 1. c., qui ait: « Ad rationem liberi arbitrii non pertinet ut indeterminate se habeat ad bonum vel malum, et ideo ubi perfectissimum est liberum arbitrium ibi in malum tendere non potest. » The same is said in part 1, question 67, article 8, ad 3. Article IV. On the goodness and malice of human acts, and on the principles of morality. Section I. In qua sit positio malitiae vel bonitatis actuum moralium. XXXIV. Concerning the nature of moral acts in humans, Theologians do not agree.

For others say that it suffices for the establishment of morality that an act be voluntary, and does not require indifference-liberty. Thus Gabriel, Almainus, Ockham, Major, etc., others think that moralitas of an act formally consists in liberty, and they confuse this with that. Thus Francis Felix, who praises Scotus and is esteemed by many Fathers of the Society. Others, like Sua-rez, finally the Thomists, consider it to be something accidentally added to the entity and liberty of the act, on account of which it has a special relation to the good or law. We, performing such obscure formulas of scholastic speech, speak lucidly with the common theologians, saying that "the moral goodness of a human act consists in some conformity and agreement of the act of liberty with right reason and law, so that an act is called good which is conformable to law and reason."

Wherefore St. Augustine. Hh. de utilitate cred. c. 12. ait: « Rectum factum nullo modo esse potest quod non à recta ratione proficiscitur. » The moral malice of human acts consists in a discrepancy or deformation from the right reason, viewed from the opposite perspective. It is said that an act is evil which does not accord with the dictate of right reason, whether created or uncreated, which is the eternal law, or created, which is the natural light of man, or participation in the eternal law according to S. Thom. 1. 2. qu. 91. art. 2. Both these reasons are a rule for human acts, from which the measure of the goodness or wickedness of human acts is

derived.

Thus sect. 1. and the Moral Philosophers, as Genuensis de principiis legis Naturae c. 15. §. g. Purchot. et Antonius Murator. Philosophia de bono morali, sive honesto, ubi Aristippum, Epicurum, Carneadem, aliosque veteres philosophos, etiamque extra Italiam quosdam neoceros reprobat, qui naturam boni honesti in sola utilitate hominis ac reipublicae constituunt; juxta illud Horat. The very mother also of justice is utility, and of equity. That most illustrious man teaches that the nature of moral good is to be "in conformity" with the actions according to the laws of order, which God demands from men for their own honor and universal happiness.

Whatever therefore tends to the glory of God and to the true happiness of man is in conformity with the ordinance of God established, and consequently is honorable and virtuous. To the contrary, it is to be judged concerning moral evil. XXXV. Hence it is inferred that no moral good, nor any moral evil can be understood without regard to at least the Natural Law. Hence the Epicureans, who had abolished all laws, said that justice had been invented out of fear of physical evil, and for the utility of life, as 5.

When commonly it is said that certain things are prohibited because evil is thus rightly understood to be, and that certain things are forbidden by positive law because they are repugnant to natural law. For nothing is intrinsically evil, if it is not compared at least to natural law. It is said that freedom is a necessary requirement for the morality of the act. For the human and moral act ought to proceed from a reasoned deliberation; hence it ought to be free. Thus in St. Thomas, I, 2, q. 18, art. 9.

But they err who establish the entire morality of the human act in mere liberty. It is true that liberty must be required as a foundation of morality; just as those who assert that everything should be governed by fate ought consequently to say that there are no sins; as Spinoza, who in the Appendix of the first part of his Ethics attributed the origin of human fantasies and superstition to moral sins. But false is it to formally constitute the goodness or wickedness of a human act solely by liberty without regard to the relation of congruity or incongruity of the act with right reason and law, as should be said; as Gonet proves in his third book, chapter 9, on human acts, Cont. ## §. II. How many, and what kind are the Principles of Morality? XXXVI.

THEOLOGI vocant principia Moralitatis ea, ex quibus fiat, ut aliqua actio

sit bona, vel mala, vel indifferens. Three are enumerated as such Principles, namely, Object, End, and Circumstances. Since an action is called good from an integral cause, it is necessary that it be consonant with the law and right reason, both as regards the object, and as regards the extrinsic end of the agent, and also as regards the circumstances. The object from which the action receives its essential and primary moral character is that around which the moral act revolves, and primarily, and per se is attained by the very act itself: thus a thing alien is the object of theft, God is the object of the act of love. Such an object is not considered physically and according to its own essence, by which it is always good by the goodness of being, but it is considered morally, insofar as it agrees or disagrees with right reason.

Si objectum est intrinsece, et natura sua conforme rectae rationi, ut est amor Dei, erit immutabiliter bonum. Si extrinsece tantum, et vi legis positivae conforme est rationi, uti jejunium, tunc potest esse aliquando bonum, aliquando vero malum ex circumstantiis. XXXVII. First therefore is the principle of morality that which, if it is good or evil morally, gives essential goodness or wickedness to the act. Ia. 2. q. 18. a. 2.

The reason for the divine Thomas is that the primary goodness of a thing in natural matters is sought from its form, which gives to the thing itself its species, or essence and specific character; so the primary goodness of human acts is sought from an object that is fitting, into which it primarily extends. If the object be indecent and incongruous to natural reason, thereby there arises essential malice in the act. Others, wishing for a stricter mode of speech, say that the human act derives its morality not from the object itself, but from the manner of aiming at the object, whether in conformity with reason or contrary to it. Thus Article 2, Section i, at the end of the conclusion. And thus they explain first the hatred of God, which has as its object the optimum, and yet is morally the worst, because the will is carried in God with every kind of love-seeking mode most dissonant with reason, namely by having hatred.

XXXVIII. The other Principle of Morality is the end, not intrinsically in the work, which coincides with the object, but extrinsically in the agent, who qua conforms or does not conform to the rules of morality is called morally good, or morally bad. Hence, si the object be good, but the end of the agent be evil, the human act is altogether evil from the malice of the end, which destroys all goodness. The reason is because such an act is simply evil: for it is disapproved by right reason, so that the good may be chosen for a perverted end. Thus S. Th. 2. dist. 38. q. i. art. 4. ad 4. "When someone wishes to give alms for the sake of empty glory, this is one act of will, and in this act 'the whole is evil,' although not from every part

thereof it has wickedness."

See Gonet de act. hum. c. 12. et S. Th. 1. 2. qu. 18. art. 4. et 6. If however the object is good and the end also good, then the human act has a double species of moral goodness, namely to give alms in satisfaction for sins. S. Th. qu. 18. art. 4. 6 et 7. cum communi Theologorum, uno excepto Vasquez. If however the object be indifferent, then a good end makes the act morally good, as in walking out of obedience; but a bad end makes it evil, as in walking for ostentation of luxury. A bad end makes an act worse than evil, as when one steals to support a concubine; and it makes good out of evil, as when one gives alms for vain glory.

XXXIX. The third principle of Moralitas are Circumstances, which tend to give an action another accidental goodness or badness, because this kind of goodness or badness supervenes upon the act already constituted in its own species according to the genus of moral virtue or vice. Thus St. Thomas 1. c. a. 3. with the common. Circumstances however are either Persons, which often add a new species of malice; for instance, if a married person or one bound by a vow of chastity commits fornication; and sometimes merely increase the malice within the same species. This is understood both of the agent and of the patient, as when benefactors are struck.

Either a circumstance of Place, as when one is robbed in a sacred place, which changes its species; and similarly with other circumstances, such as time, manner, aids, or instruments by which the act is performed, which, as we have said, can either change or increase malice notably or slightly within the same species. Note that a slightly evil circumstance arriving to an act does not deprive it entirely of its goodness, nor does it destroy all its merit. Thus is commonly the opinion, which Contenson adjoins extensively in his book 6, dissertation 2, chapter 2. Hence it follows for practice that the confessor ought to question the penitent who accuses himself of having stolen, regarding the end in view; for if he intended this theft so as to have money for debauchery, then a new malice will be present: similarly, if he has taken something from his neighbor, he should inquire whether perhaps he had intended thereby to impede him from some gain or from obtaining some dignity. For by the end intended, as has been said, the species of malice is easily changed.

XL. Here it is asked whether an external act adds some moral goodness or evil to the internal act? St. Thomas in the first part, question two, article four teaches with Gonet, Roncaglia, and Cont. Turret., quod actus exterior non addit bonitatem, vel malitiam moralem intrinsecam, et per se supra actum interiorem, sed gaudet tantùm bonitate, vel malitia intrinseca

desumpta ab actu voluntatis imperante. It is proved by authority of S. Th. in 2nd part, dist. 40, q. 1, a. 3, where he says: "That exterior act adds nothing to the prize of essence (consequently to intrinsic goodness, which follows the prize of essence)." For only that merits which has perfect will some good to be done, as if it were doing that with equally perfect will remaining unchanged.

It nevertheless adds some accidental premium. That martyrs, who truly suffer for Christ, have an accidental prize or wreath above those who merely desire death alone out of equal charity for Christ. I said that an external act does not add intrinsic moral goodness or evil, and per se above interiority; for it adds regularly speaking some goodness or mal- V. TREATISE.

De acto. MAN. ARTICLE V. accidental sin. Therefore S. Thom. l. c. q. 2 0. a. 2. sub - dit: « Nisi contingat ipsam voluntatem per actum exteriorum » fieri secundum melius in bonis, pejus in malis.

For an external act often serves as a occasion for an internal act to become worse, or that internal acts are multiplied so that external acts come to pass, or because an internal act has greater duration, namely until some work is perfected which cannot be immediately completed; or because it becomes more intense through external action. Moreover, the exterior act more strongly dulls the sense and the greater exterior powers are rendered prone to evil; scandals appear; sometimes there is a lapse in communication, or irregularity, or an obligation to restitution, which the interior act does not incur. Nevertheless, according to I. 18. a. 3., and all the Scotists as Mastrius states, no one moves a stone without being moved by something, whether through various adstruant rationes, adding an external cause, because it has intrinsically some goodness or malice of act or will, inasmuch as it has intrinsic goodness or malice above the interior act. You see in Salmantica this question. Mastr. alios — que Scotistas.

It is displeasing to resist movements; let us not expend them uselessly. ## ARTICULUS ULTIMUS. ## Whether an indifferent act can be performed in an individual case? XII. It is necessary to explain the terms of the question for the clarification of the state of the matter. The human act (of those of which we here speak) is said to be indifferent either in species or in individual. An act indifferent in species is an act regarded under genus (abstracting from end and individual circumstances) « compared merely ad ob » jectum its own, which neither is in good thing, namely consonant to action », nor evil, that is dissonant to reason, but bearing on both, » as to walk, to lift a blade of grass, to gather flowers, etc., which under species or object neither are good, nor evil, but are according to the end and other

circumstances, hence neither can be praised nor blamed.

Actus vero indifferentis in « individuo » est actus consideratus prout est à parere secundum suum obiectum, finem, et omnes circumstantias individuales; quia tamen neque bonus sit nec malus, sed indifferentis. XIII. It is certain that no act of a human being is indifferent in itself; but according to its species or object it may be good or bad: some acts are objects of Faith, Hope, and Charity, etc.; others are objects of vice, such as fornication, the murder of an innocent person, etc.; these are indeed objects of right desire, those however are of wrong desire. XIIII. It is also certain that some acts are indifferent in themselves, which neither by their nature are good nor evil.

Thus S. The lesser commandment according to the common. Herefore. Here Ronymus wrote in his eighth gloss: "It is good to be continent, it is evil to indulge in luxury," and to walk indifferently between both. It is credited to damnation article 16.

The sin of adultery has been committed in the council. Concile sessio 1 caput 5. afferret, nullas esse operas indifferentias. It cannot be understood of indifferent things in an individual case, because this is defended probabiliter by many good Catholics; therefore, it must be understood of indifferent things in species. XIV. Let us respond to the acquisition of a proposed term: we say that weights are attributed to indifferent acts in individual instances.

Thus. Saint Thomas Aquinas, Billarminus, Suarez, Valentia, and Du randus in the second distinction, for the forty-first question, chapter one. Ricardus, Major, Gaet, Medina, Becanus, and others against Scotus, and the Scotists, Alensis, S. Bonaventura. German. Vasq., etc. Ratiopræcipua S.

Thomae hæc est: « Actus » moralis non solum habet bonitatem ex objecto.... sed etiam » excircumstantiis... Oportet quod quilibet actus individualis habeat aliquam circumstantiam, per quam traheatur ad bonum vel malum, adminus ex parte intentionis finis. Whether then the order is to be established by reason, an act proceeding from the ratiorem of the will, if it not be ordered to a due end, this in itself opposes reason, and has either a bad reason or no order at all; but if it be ordered to a due end, it agrees with the order of prayer, and then has a good reason. It is necessary, however, that either it be ordered or not ordered to a due end. And it is necessary that every act of human deliberative reason proceeding in an individual considered, be good or evil. These angelic nerves.

Besides, it is impossible for an act of a singular person to proceed from deliberate will without circumstances; hence all the circumstances are reckoned as consentient reason; therefore indeed, an act occurs when, where, how, and why it should occur, and thus it is good: but if not all circumstances are consentient to the reason raised, at least some lack this consent, and thus it is evil: consequently no act in a person considered with regard to all circumstances can be indifferent. To every action that you perform, refer it to God, when you act with deliberation, and because of some end. Now it is the Apostle who says in 1 Cor. 10: «Whether ye eat or drink, or whatsoever ye do, do all to the glory of God.» If God is referred to in the intention, the act will be good; if it does not refer, it will be evil: therefore there is no indifference. I know that my adversaries say, containing the counsel of the Apostolic word in their words, but not a precept.

But false; for the Fathers indeed greatly esteemed the precept and not the counsel. Thus Augustine, Caesetius I. Maximus, S. Th. lect. 3. c. 3. At the passage to Colossians, whom read is with Cont. Tourn. c. 6. ser. 6. de inabilitate humani actus, ad quid mittor quifuisit quaestionem tractatam cum adversariorum objectionibus, et responsum studiosae quaerit.

Here we gather the practical conclusions. It is more fitting in deed, at least to offer generally Deo omnes actus suos, so that the precept of the Apostle may be fulfilled, at least in intention virtualis omnia faciendi in gloriam Dei. This mode of all acts and even indifferent inspection is such that it becomes good and virtuous in an individual. It does not require, however, the actual relation of all things, whether of words or works, to some good - 136 LIB. V.

TRACT. OF THE ACT. MAN. ARTICLE IV. Honestum; quod esset importabile pondus, et res sexcentis implexa scrupulis, sed sufficit virtualis, ut diximus: unde quamvis aliquis accedens ad mensam non cogitat de conservatione vitae sed solum de cibi delectatione, ut ait Gonet, non propterea peccat quia talem delectationem saltem virtualiter vult prop ter conservationem vitae sicque non inordinata illam appetit. Hactenus de Actibus Humanis, eorumque Principiis et Morali- tate. # TRACTATUS DE PECCATIS. ## CAPUT I.

ON SIN IN GENERAL. ## DOUBT I. 1 What is sin? — 3. What conditions are required for a thing to be considered a sin? — 3. What is to be noted regarding the advertence required for a sin? — 4. Is a formal advertentia required for a peccatum mortale, or is a virtualis sufficient? — 3. What is to be noted regarding the required consent to a sin? — 6.

He sins gravely who negatively regards himself with respect to disordered movements? — 7. What if there are carnal movements? — 3. What remedies as regards themselves? — 9. Are we bound to resist them, if there be a cause for not resisting? — 10. At what time and by whom are the sins of omission to be imputed? — 11.

Is a venial sin a transgression against the Divine Law? 1. — « Resp. i. It is a transgression of the law, whether (as Tolei says) it is a voluntary withdrawal from the Divine Rule; by which rule is understood both the natural and human precept, as well as the Divine one: by withdrawal is understood an act or its omission, which is not only voluntary but also free, with some actual advertence of malice, which I add because, as Sanch teaches, i. mor. c. 16. cum 2. q. 1. p. 3. n. 3 et 12. etc. non sufficit ad actum peccaminosum libertas, et advertentia quaevis virtualis vel interpretativa qua scilicet quis advertere poterat et debebat nec quaecunque actualis qua scilicet intellectus rationes commodi et incommodi in objecto atten dat sed requiritur ut advertat moralem malitiam objecti aut saltem de ea dubium vel scrupulum concipiat. The reason is, firstly, because without this advertence it is not voluntary, since it is not known; for as long as such a thought does not occur to the intellect, it is insufficient as a principle for deliberation concerning malice; hence neither freedom nor guilt; and consequently involuntary negligence and invincible oblivion are reckoned. Nevertheless it is added,

Tamtam d. 4. de pecc. d. 5. q. 5. d. 3. n. 106. non est necesse, ut consideratio illa maneat actu, dum peccatum durat; sed satis est, ut vel actu, vel virtute maneat, ita ut cum ea vel actus peccati fuerit inchoatus, vel saltem causa data, ut fit in ebrio, qui peccat non vi praesentis, sed praeteritae deliberationis. See Balduinus i.i.d. 37. Indeed, recent writers commonly hold that such a case of drunkenness does not formally sin; but they say that one has contravened the malice thereof before, by anticipating the evil which he was about to commit and giving it its cause: they assert that when anyone sins in act, there is always some slight or confused intention of malice remaining, advertentiam tenuem vel confusam, as may be seen. Doubt arises, for in relation to practice, it matters little how you speak at any given time. Three conditions are required for a sin, as is evident from the first response: 1. That it may be voluntary, that is, with the consent of will.

That it may be free, that is, that it may be in the power of the will to do or not to do. 3. That malice may be noted. By reason of the defect of the first condition, no act which is neither in nor from the will is a sin unless the will has received it; hence it does not impede Communion; whether it be

internal, as thoughts against Faith, blasphemies, obscenities, motions of the flesh, even to the effusion of seed; or external: and violent, for example, rape of a virgin through violence imposed. By reason of the defect of the second condition, movements vehemently adorned with sin or concupiscence are frequently stirred up, by which the use of reason is disturbed and liberty is taken away. Defectu tertiae non peccat, qui die jejunii, de praecepto nihil cogitans, coenat, vel carnes comedit, etsi eas sibi delectabiles advertat.

Likewise, he who casts a stone through a window, is not truly exposing himself to the danger of injury thereby, nor he who concludes a usurious contract, is truly such, according to Saints, I. 1. c. 26, a. 21. » Reg. I. 15. n. 75. " 4. Damnum et eventus (licet alioqui frequentes) ex ebrietate secuti, et nullo modo praevisi, inculpabiles sunt: quia pocul nec in ausis sunt liberi. They are indeed culpable if they have been foreseen, and neither sufficient diligence nor has the prescribed prudence been employed so that they might not follow: yet this having been employed, even though it happens later, absolves from guilt; just as also when, according to the circumstances of place and time, no apparent danger of evil is present, and therefore no precautionary measure is taken.

Thus Vasquez 1. 2. ad 24. c. 2. It teaches conformably to which . 4. c. 3., that if negligence has been such as to prevent drunkenness, or events usually ensuing therefrom, from occurring, then even evils which could have been avoided would be merely trivial; because, since they are free not in themselves but only in their cause, they cannot have greater guilt than the cause itself. Regarding Attention and Consent required for some necessary sin, let us note. And I. concerning Advertentia, let it be noted I. that the mode whereby sin is perfected, this is; first the object is represented to the senses, and its physical displeasure moves the sensitive appetite. Then intellect advertises to that and to its own malice. Finally, the will consents to that thus known.

Notandum 2., quod intellectus deplici modo advertere potest, vel plenè, nimirum quando nos mente expedita discernimus, vel semiplenè, quando rem cognos- simam mente non plenè expedita, quia forte sumus vel semidor- mientes, vel semiebrii, vel alio distracti. The intellect can nevertheless be deceived by the delectability of objects offered, so that it perceives nothing as morally wicked in them: Hence to this threefold cognition correspond three movements, namely. I. Quod intellectus deplici modo advertere potest, vel plenè, nimirum quando nos mente expedita discernimus, vel semiplenè, quando rem cognos- simam mente non plenè expedita, quia forte sumus vel semidor- mientes, vel semiebrii, vel alio distracti. The movement of the first kind precedes all rational awareness,

and these are entirely experienced in guilt. II. Motus primo primi, qui antevertunt omnem advertentiam rationis, et hi sunt omnino culpa expertes.

Motus secundo primi, qui fiunt cum semiplema advertentia, et hi culpam venialem non excedunt; quia, cum in eis non praeceserit plena advertentia, voluntas in eos non consentit cum perfecta libertate requisita ad peccatum mortale. III. Motus secundo primi, qui fiunt cum semiplema advertentia, et hi culpam venialem non excedunt; quia, cum in eis non praeceserit plena advertentia, voluntas in eos non consentit cum perfecta libertate requisita ad mortale. Finally, you have deliberated a movement which occurs when there is full awareness of the intellect clearly discerning moral wickedness, even if confusedly in general terms, and with full consent of the will: and these are mortal sins, if objected under grave prohibition are categorically forbidden. Thus commonly S. A. 6., etc., and also S. B. n. Translation 20. chapter 13. note 2, 3, and 4, 4 — Given his aforementioned statements, the question arises: whether for a mortal sin actual and expressed malice of the act is required, or whether virtual and interpretative suffices?

The first opinion, which Cajetan (2. 2. q. 88. a. 1. d. 3.) and Medina, Lopez, Serra, Prado, and others held according to Sabn. (tr. po. c. 13. n. 5.), is also strongly maintained by Concina, in book 8. D. 3. c. 2. n. 14. Contin. Tourn. tom. 2. de art. 1. Franzola in Bus. lib. 6. c. 2. de Pecc.

Animated. I.) dicit minimè requiri advertentiam actualem, sed satis esse virtualem et interpretativam: quae in hoc consistit, quod homo tenetatur et possit malitiam actionis cognoscere, quamvis actualiter non advertat; aliàs (ut aiunt) reputandi essent immunes à culpa omnes scelesti homines, qui à suis passionibus aut pravis consuetudinibus obsecati plura mala patrant ad nihil ad vertentes. The second opinion, however, more commonly affirms that actual advertence to the malice, or to the danger of it, or at least to the obligation to turn away from it is required. And this opinion hold Sybo. Suarez, Tapia, item Vasque cum Lyrano, Tostato, Adriano VI, Curiel, Victoria, Corduba, et aliis (Sylvius in 1. 2. q. 66. art. 3. q. 3.

Concilium 2, caput 5, in libello 4, parte D, 4, sectio 8, eius numerus 14. Tapia lib. 3. q. 9. art. 5 et 11. 1. c. 16. n. 21. Sayr. Thess. lib. 2. c. 9. nu. 11. . 2. Doctor 1, part 1, note 5.

Salsus. tr. 13. Decretum 8, caput 11, nota 87. Bon. de Censu D. 1. Sabbath. Schol. tr. 13.

Doctor 13. Dub. 1. and Mor. tr. 20. cap. 14. n. 8. Game. T. 2. p. 14. Vasq.

1. 2. q. 123. c. 2. n. 6.

Du Val D. 1. 178.) item S. Antonius, Wigandt, Sancta-Beuve, et Card. Gotti, cujus loca et verba infra deferentur. They say that for every mortal sin there is required some kind of advertence or suspicion of malice in the act itself, or in its cause; at least in a confused manner. The reason for them is, because 140 LIR. V.

TRACT. OF THE ACT. MAN. CAP. I. my volition is culpable unless previously known; hence negligence cannot be imputed to guilt, except where there is at least some confused apprehension of the object's malice: for he who in no way advertises to the malice of his own action, or to the obligation to turn away from it, in no way sins against it by acting thus. Having set forth his positions, I present my sense, and say that it is easily reconcilable with the aforementioned judgment by standing within the bounds of justice.

Nam si dicatur ad omnia peccata mortalia necessario actualem et expressam advertentiam exigi, hoc utique falsum est; quia multipliciter evenire potest, quod plura mala, quamvis actualiter et expresse non ad vertantur, bene tamen imputantur ad culpam ea patrantibus, si ipsorum ignorantia sit aliquo modo voluntaria, vel ob negligentiam, vel ob passionem, aut pravum habitum, vel ob voluntariam inconsiderationem in operando. Firstly, therefore, ignorance becomes voluntary through negligence, as St. Thomas teaches (I q. 76 a. 3), who there proposes the rule, saying: "Ignorance which is the cause of an act, because it causes involuntariness, has what pertains to excusing from sin inasmuch as voluntariness belongs to the notion of sin." Then he subjoins that ignorance can be voluntary in two ways: either directly, agreeing with someone who studiously desires to remain ignorant of certain things, so as to sin more freely; or indirectly, agreeing with someone who through labor or other occupations neglects to learn what would draw him away from sin. Such negligence makes ignorance itself to be voluntary, and thus a sin, provided that it concerns those things which one is bound to know and able to learn. And thus such ignorance does not totally excuse one from sin.

If however such ignorance is entirely involuntary, whether because it is invincible or because it pertains to what one is not bound to know, then such ignorance wholly excuses from sin: Note, such negligence makes ignorance itself to be voluntary. Moreover, note here that according to the Angelicum in its final words it does not doubt that even those who are bound to know can have invincible ignorance. The same is written elsewhere (De Malo q. 3. art. 7. ad. 7.): « Ignorance which is entirely

involuntary is not a sin. » And this is what Augustine says: "It does not count against your guilt if you are hurriedly ignorant, but if you have neglected to know. By adding 'but if you have neglected to know,' he intends to show that ignorance has something of a neglectful omission as its cause, which is nothing other than not applying one's mind to knowing those things which one ought to know. In the same place, at article 8, St. Thomas says that then ignorance will be considered voluntary when a man, on account of the labor involved in learning or so as not to be hindered by sin which he loves, refuses knowledge, and thus ignorance is in a manner commanded by the will.

Therefore in these places the Holy Doctor by no means considers him culpable whose attention is diverted, but he considers culpable him who neglects, or refuses, in some way through the command of his will, to apply his mind to learning what one ought to know concerning a precept that urgently demands it, or as explicitly declared in the body of the aforementioned Article 3, saying: "The cause of ignorance is not applying the mind to learning; and this very thing itself not applying the mind to knowing what one ought to know, is a sin of omission." The second way ignorance becomes voluntary through passion, when one deliberately desires to follow such passion: for those who act according to their own passion will justly be held responsible for all effects connected with that passion, even though a particular effect may not be recognized; because when a man embraces some passion, he necessarily embraces all the common effects resulting from that passion, which, although they are not foreseen in particular, are at least foreseen in a confused manner; for wishing to fulfill some passion, such as vengeance, he thereby admits, at least in a confused manner, whatever perverted means lead to the fulfillment of that passion. Whence the effects, although they are not voluntary in themselves, are nevertheless voluntary in their cause, namely, in adhering to passion. Thus also teaches St. Thomas (1. 2. q. 6. a. 8) where he calls the ignorance of this agent through passion evil choice ignorance: saying, "In another way ignorance is called voluntary," that which one can know and ought to; for not to act, and "not to will, are said to be voluntary.... In this way ignorance is called either when someone actually does not consider what he can and ought to consider, which is evil choice ignorance, or when it proceeds from passion or habit." He repeats the same in article 20, where he says: “The binding of reason through passion is not imputed to guilt, except perhaps as regards the principle such passion, which was voluntary, for the will could have impeded from the beginning that the passion proceed to such a degree.”

Moreover elsewhere (1. 2. q. 77. a. 7.) he says: "Sometimes indeed the passion is not so great that it totally intercepts the use of reason; and then

reason can exclude the passion by turning to other thoughts, or by hindering its own effectuation. The third mode of ignorance becomes voluntary by reason of a depraved habit; as is also found in St. Thomas at the aforementioned place (1. 2. q. 6. a. 8.). Then too, the acts of malice which proceed from such a bad habit are equally voluntary, either because they arise from the beginning with a voluntary contraction of an evil custom; or rather, because, as I feel and according to the author of the book whose title is "Instruz. de Nocelli Confessori," such sinners, who are ill-disposed in their habits, although they have less clear knowledge than others, nevertheless always possess some actual knowledge sufficient for deliberate and mortal acts; since themselves diminishing the sin, there does not arise in their minds that sensible and memorable impression which occurs in one having a conscience less depraved. Hence it happens that no trace of such actual knowledge remains in their memory from before about the sin they had sufficiently possessed, or else the trace is so slight that when questioned easily they will answer falsely: but the cautious confessor should not readily credit them. Et idem videtur etiam posse dici de operantibus secundùm suas pravas passiones, quibus non jam defuit omnis cognitio malitiae suarum culpabilium, sed cognitio est in ea tam obscura, ut vix discerni possit. Fourth mode then ignorance becomes voluntary and culpable, as Tannerus says. Doubtful 4. question 5.

Dub. 5. a. n. 103.) Antoine (tr. de quaest. 7. in fine) causa S. Antonini: si homo in agendo advertenter negligit adhibere considerationem, quam res agenda meret, illi enim qui jam advertit (ut recte ait Antoine) aliquid amplius considerandum et tamen vult prae-cipi tanter operari, merito imputantur omnes errores quos committit. Against this, it seems altogether to be held that one ought to blame no errors committed by a person who, through ignorance, has not voluntarily adopted any of the aforementioned modes, and who has had no actual advertent awareness of malice or danger, neither directly nor indirectly, neither in himself nor in his cause; then in no way are such errors imputed to him. Reason, quia ut impediantur alicui effectus cujusdam causae, debet necessario praecedere (saltem in principio) advertentia actualis et expressa malie objecti: advertentia interpretativa, ut rectè loquuntur. 20. c. 13. n. 7. fundatur super aliquam advertentiam expressam, congruent voluntarium indirectum fandatur super directum. Besides, interpretative advertentia supponit obligationem et potentiam ad vertendi; sed deficiente omnino advertentia expressa, non est potentia ad vertendi, et ideo nec obligatio, cum nulla obligatio liget, misi prius quodam modo agnos-catur. You will say: Every ignorance in him who is bound and able to advert to his obligation, isvincible, and therefore culpable.

But rightly do Sylvius and Suarez respond, that he who entirely ignores the

malice of the object, and still the obligation to turn away, has indeed a remote or physical power to turn away, but lacks proximate and effective power, which is necessary for man in order to recognize the deformity of his own actions. Who does not know that it is not within man's power to know what he does not know? For St. Augustine says in his book: "He knows indeed the action by which he acts, but will ignore it as evil; for mere knowledge of the object in a physical sense is not sufficient principle for discerning or seeking out the object in a moral sense, which entirely differs from the physical." "When such (wisely) knowledge does not enter the mind," says P.-Suarez, "such that the will may be moved to seek some science, it is not within man's power to move himself towards it, and consequently such ignorance cannot be imparted to man" (op. cit., p. 5). D. 4. And this is what St. Thomas teaches (I 2, q. 76, a. 2), saying: "Wherefore on account of negligence their ignorance, which one is bound to know, is a sin." But negligence is not imputed to a man if he does not know what it is impossible for him to know: hence this ignorance is called invincible, because it cannot be overcome by diligence. » But this study, or diligence to be employed in expelling ignorance, as rightly observed by Sylvius Medina and Richard (Sylvius in 1. 2. qu. 76. art. 3.

Concilium 1. et deinde quaestio 2. Cavcl. 1.), non debet esse summa, sed sufficit si sit moralis, et tale quam prudentes communiter adhibere solent in re gravi; superveniente enim dubio, inductus debet consulere peritos. But it is advisable to consult books or to discuss matters with others who are learned. Finally, this opinion is commonly held by the successors, not only by probabilists (who do not now recognize it as probable but as certain among all; as Suarez writes congruently), but also by antiprobabilists, for Blessed Doctor of Sorbona says thus: "If one considers only the act materially or physically, and not formally or morally, this act will be merely a physical act, as it is something physical, and not as it is something moral; therefore, not a mortal sin; and in this respect there will be no malice." (Santa Beatrice de Pratico.)

D. 5. Section 1, Article 3. Cardinal Gotti writes: "I speak secondarily regarding a mortal sin," sufficing with an implicit or virtual advertence to malice or the peril of the action itself. For indeed, by that very fact, whoever doubts or suspects the malice of his own action, or the malice of its danger, and yet negligently neglects to inquire about the truth of the matter, his action will be set down as interpretative, and he will be deemed to will that very malice. Gotti t. 2. tr. 4. de Vitii s. i. Dub. 4. §. 3. num. 11.

P. Wignard likewise says: "I say i." The deliberation, or attention, is twofold: one is full and perfect, which is present when a man attends, not

merely to the operation in regard to the natural entity thereof, for example, to the recitation of songs, but also to its malice or danger of transgression of the law; the other is imperfect, etc. I speak thus secondly. That something may be imputed to an individual as a mortal sin, full and perfect deliberation must have been present. When something is imputed to mortal guilt in the individual, full and perfect deliberation must have been present. From a. de. [follows] S. Antoninus agrees with this, who requires for a mortal sin in morose delight not only deliberation but also an examination of the danger, saying these words: "Therefore such complacency remains after sufficient deliberation and an examination of the danger, and then it is mortal."

» (St. Thomas, In I Sent., q. 136, a. 4.) Consentit his S. Antoninus, qui ad peccandum morta- liter in delectatione morosa requirit non solum deliberationem, sed etiam animadversionem periculi, his verbis: « Aut ergo » manet talis complacentia post sufficientem deliberationem, et » animadversionem periculi, et tunc est mortale. 5. c. 5. infin.) Alio loco inquit: « Defectus recti judicii ad consideraticnis vitam pertinet, prout scilicet aliquis in recte judicando delicit, eo quod contemnit vel negligit attendere ea, ex quibus rectum judicium procedit. » Idem ibid. c. 11. sub init.) Consentit etiam Cont. Tourn., quia sic concludit: « Itaque, ut intra veri limites gradum sistamus, existimamus eum, qui ita non advertit ad peccati malitiam, ut vel naturali rapto distractione, vel ob similem causam advertere non possit, peccato non teneri. » Thus will be excused the Piemontese who, due to impacted penitence, does not fulfill it because of forgetfulness. But it must be otherwise said concerning actions which are elicited or omitted by men absorbed in earthly affairs, serving their passions, accustomed so that they do not think themselves compelled not to think.

But this we have already admitted above in no. 28 to 31. Antoine likewise agrees, who acting from ignorance says that inadvertence or inconsideration is culpable in him who omits the due diligence that he owes, or who acts rashly already needs to have greater consideration, or who positively desires to follow a passion which impedes advertence. On the contrary (he says), if (inadvertence) be invincible in a man having an habitual due knowledge, he is altogether innocent and excused from sin those things which proceed against the Law from it; because then there is no will even interpretatively voluntary in acts; for without power to know there cannot be will. Hence it follows that the opinion of those (if indeed they exist) who say that all errors committed by one acting against the Law should be imputed to him, even though no actual advertentia has ever intervened, neither direct nor indirect, in itself or in cause, at least in confusion, but only interpretative advertentia has been present, consisting

solely in the fact that he himself ought and could have turned away from remote malice by mere physical power: this opinion can in no way be sustained. Otherwise it would follow that most men, burdened with many mortal sins, would find themselves never to have had any knowledge concerning those matters. They will say that those men deserve the deprivation of light as a punishment for other sins, namely for their unrestrained desires, unfulfilled obligations of status, and other negligences; otherwise they would have turned well the malice of their own operations; and thus all their errors are imputed to guilt.

But how this inference could hold, would first have to be established by a premise which is far from being approved by us; for God would deprive someone of His subsequent light, with which He would otherwise have restored him to his own temptations and passions, unless He had failed in other respects; thus the subtraction will bring it about that such a man falls into sins which he sufficiently recognizes as sins; but it will not bring it about that errors are imputed to him which he neither expressly nor confusedly recognizes as sins; for where there is no knowledge, there is no freedom; and where there is no freedom, there is no sin. They will totter. But S. Thomas (Lect. 7. in c. 1. Epist. ad Rom.) dicit: « Si ignorantia causatur à culpa, non potest excusare subsequentem culpam. » » This we understand to be true concerning voluntary ignorance in some manner, as above explained by the same Angelic doctor.

Besides, the Holy Doctor speaks there about Infidels, to whom errors in Faith are imputed as deserved punishment for their certainly culpable ignorance, hence all evils which they suffer are attributed to guilt. Furthermore, if all his errors are imputed to a man without any regard for attention, even though he himself, having already employed due diligence and judges rightly what is done as right, it would follow that what is sufficient for acting honestly would not be followed by sentences (if they are less secure) nor more probable, nor the most probable, nor indeed morally certain. But this cannot be said, since Proposition 3, which stated: "It is not permissible to follow an opinion or among the probable ones the most probable," was condemned by Alexander VIII. Regarding the sin in general. dub. 1. 145 • It remains to satisfy the extensive objections of the Adversaries, but we shall briefly expedite ourselves. They oppose that proposition in the Thirteenth Question of the First Part of the Decretals, book six, where it is said: Ignorance of fact, and not of law, excuses.

But to this good response the syllogist replies (1. 2. q. 76. art. 3.). What. I. Conclusion 7.) this is to be understood of judicial statutes, as explained by the Glossa ibidem; for in a judicial forum after the promulgation of the law, ignorance of the transgressors is ordinarily presumed to be culpable;

unless there be some reason which makes it fitting to presume otherwise, as stated in c. In tua, tit. Whoever accuses matrimony, etc., opposes this: that if actual advertence were required for all sins, the Jews who crucified the Lord would be reckoned as inculpable, the Pagans who slew martyrs would be reckoned as inculpable, and the heretics who perpetrated countless crimes would be reckoned as inculpable.

But to all these a single word suffices, namely, that the ignorance of all these is and has been altogether gross. Christ our Lord speaking of the Jews said: "If I had not done among them works which no one else did, they would not have any sin." John 15:24. Idem autem dicendum de Infidelibus et Hæreticis, quibus ob suam malitiam vel supinam negligentiam omnes sui errores justè imputantur ad culpam. They oppose that the sentence requiring some actual advertence does not differ from that which the philosophical sin of presumption held immune from theological guilt.

But it is replied that for this reason the aforementioned opinion was condemned by Alexander VIII, because he who acts against right reason, as is supposed in a philosophical sin, even if he does not consider himself to be offending God, nevertheless already offends; for by offending the rational nature, he simultaneously offends its very Author. But in such a sin there is always required that man be aware that his action is adverse to right reason. What therefore is common between philosophical sin and that action by which one never, not even in a confused manner, perceives it to be evil, and perhaps sometimes considers it good? This is about Adversion, we pass over to consent. ## II. On the consensus of the will. 8. — It is certain that a sin is committed by the will, as all teach with St. Augustine and St. Thomas 1. 2. q. 74. art. 1.

But here it must be noted that for a mortal sin to be required, an absolutely perfect consent, or deliberation of the will, is entirely necessary. That is common and certain among D D., for such is the strictest Contensonius in his Theol. 1. 1. p. 164. Specifically 3. page 284. version page 508. note 7. Wiganclt. tr. 4. Example 2. Number 44.

Genet. tr. 1. c. 9. de in fin. ubi ait: "Cum peccatum ex voluntate tantùm proveniat, si deliberatio sit imper- fecta tantùm, peccatum erit tantùm veniale." Thus also Naarr. n. 8, where it says: "To constitute a sin judgment whole requires," from chapter 1 of De Delictis puerorum. Item. Chapter 11, number 5, when. Th. 1. 2. q. 88. a. 6. ubi docet: « Potest... quod est » ex genere mortale, esse veniale propter imperfectionem actus, quia non perfectè pertingit ad rationem actus moralis, cùm non sit deliberatus, sed sub dubitatur. The same is taught by the Sacred Doctor in 4 D. 9. Question

1. art. 4., where he says: then pollution of a semidormient to be mortal when it is with deliberate consent knowingly accepted.

The same is explained more clearly in D. Ant. 2. p. 11. tit. 6. c. 5: and he clarifies the reason in the aforementioned Controversy, saying that for a mortal sin perfect deliberation is required, because our motions are culpable to the extent that they are voluntary; but they are perfectly voluntary to the extent that they are deliberate; moreover, for a mortal sin, which is full and consummated guilt, perfect voluntary consent is required. II. Prænotandum, posse consensum esse expressum sive directum et implicitum sive indirectum; quando scilicet quis vult causam ex qua necessario oritur effectus: tunc enim si vult causam directè, indirectè vult etiam effectum. III. Prænotandum quod post ad verientiam intellectus triplici modo potest se ferre voluntas erga objectum malum propositum; 1. positivè consentiendo in illud; 2. non consentiendo nec resistendo, sed tantùm negativè se habendo; 3. positivè resistendo. Ex hoc oritur magna illa quaestio inter Doctores: an peccet graviter qui negativè se habet et positivè non resistit menti appetitus sensitivi circa objectum sub mortal prohibitum? Here it must be premised as certain against innovators that the movement of sensuality without any consent of will is not lethal; this is said in 5 of Pec. orig. abi dicitur: « Concupiscentiam quam » aliquando peccatum Apostolus appellat, S. Synodus declarat » Ecclesiam Catholicam nunquam intellexisse peccatum appel- » lari, quod verè et propriè in renatis peccatum sit, sed quia ex » peccato est, et ad peccatum inclinant; Si quis autem con- » trarium sentit, anathema sit. "However (whatever may be said concerning that which is simultaneously stated to harm concupiscence in those who do not consent and to be repugnant to it through virile resistance by grace of Christ: See Ex 2. n. 44." Here three are the opinions for responding to the inquiry.

The first one, following Val. tr. 20. c. 15. n. 13., affirms that grave sinning occurs even when the danger of consent ceases. The reason for these is that the will is bound not only to refrain from consenting, but also to resist the movements of the sensuous appetite which are out of order. The second sentiment says that even venially one should not consent, even when the danger of consent is removed; but this sentiment commonly they assert to be rejected; hence rightly they say that it ought in practice never to be held, as Croix says. The third and true opinion with St. Thomas, Question 13, Article 4, ad 10, paragraph 1, chapter 2, note 13. Gers. . c. n. 15. et 16. holds, when the danger of consent ceases, that it is venial not to resist positively illicit movements, but not mortal.

This seems to be expressed explicitly confirmed by S. Th. 1. 2. qu. 74. art. 4., where he says: "Peccatum mortale" non potest esse in sensualitate, sed

solùm in ratione: "Igitur ratio est, tum quia consensus ad graviter peccandum non pro- venit ex appetitu, sed ex voluntate, quae cum non positivè con- DE PRECATO IN GENERE. DUB. I. 147 sentit, non constituitur mortale. And thus a venial sin is committed insofar as man ought to avoid it so that the appetite does not drag along with it the will: but this obligation, when no proximate danger of consent exists, is only slight; for if we were held under all violent motions by a positive repulsion, we would be bound to an impossibility: for it is impossible (as Cajetan says) to positively coerce all these motions collectively. However, from this it follows that when the delight of venery supervenes, we are held under a grave obligation to resist it positively, because such movements, when they are vehement, usually bring about consent of the will with them if they are not positively repelled (at least by an act of simple dislike). Thus Croix 1. 5. ex n. 109 and Bus infra D. 2. A. 2. at the end ... 2. part 325.

Style. 1 2. qu. 74. a. 2. q. 1. q. 129. et p. 81. n. 14. et Salm, n. 19. cum communi D D. 8 — Notandum autem hic I quod ad repellendas tentationes carnales, quoad sensum, valde prodest ut commotiones com-pescantur; partes connotas vestibus tegere, ac comprimere; ut advertit quidam Auctor modernus. As regards the mind to be preserved from consent, it is certainly beneficial to think about the Passion of Jesus Christ, or about the torments of Hell, or about Death, etc., and also about the pangs of remorse which the Soul suffers after the sin committed. It will indeed be more necessary to recur to prayer in such concupiscences; for chastity is obtained from God alone, as Solomon confesses, Wisdom 8:21. And because I knew that otherwise I could not be continent except by God's gift, etc. And according to order does God give unless to those who ask, from that John 16:24. Ask, and it shall be given you.

Hence, when tempted to seek help then he should implore from the Lord, from the Immaculate Deipara, and from the lovers of purity, such as Saints Aloysius Gonzaga, Philip Neri, etc. For all these suffice adequately, and will be a more fitting remedy, because shorter and easier, invoke confidently and frequently the venerable and potent Names of Jesus and Mary. Maxime etiam juvabit ferventem actum Amoris, erga Deum eliciendi propositum reponendo, mortem potius subeundi quam peccandi. It is also sufficient for the act of connotation that the mind turn to other things, since this is likewise positively resisting it, as well they advert in n. 16. Volume. tome. 3. page. 531. Contents. tom. 1. p. 164.

Specificatio 3. and Cross 1. 5. no. 111. And if the motions be idle, it will be contemptuous to neglect them without positive resistance, Croix ibid. Bonasp. 9. — It must be noted that it is not an obligation to resist carnal

motions by positive action, if there exists a just reason for not resisting; namely, if one has experienced that resistance leads to greater excitation and augmentation of the motion; or if the motions arise from necessary or useful actions, v. 6. according to the authority of the Catechists, through knowledge of things useful being turpitudinous, by necessity for healing, and simultaneously. I unce enim ex una parte causa motuum non tenemur operam relinquere, ut docent D D. continuarier cum 81. num. 14. Contention. 1. c. and n. 20.

Cross. 116. 5. n. 111.; Et ex alia, neque tenemur tunc motibus positivè resistere, si non facile negotium sit illos repellere. It is therefore then negatively disposed with a firm resolution never to consent: for the very care not to consent at that time suffices to free man from at least mortal guilt, although not from venial sin, if the resistance be tepid, as they say, c. 13. n. 20. True Croix l. 5. cum... Az. et . And thus to act consults Tourn. tom. 3. p. 531. Conclusion 2. with the Syllogism of those who are of a fearful conscience.

Therefore, it must also be noted that something pertains to sins of omission: and it should be noted I with S. Th. and n. 11. For every sin of omission requires a positive act of will; for the will does not exercise itself nor commit a sin unless through an act. Notandum II. The acts concomitant with omission, such as to wound or to eat, when for example the Sacred is omitted, are not peccaminous, unless they be the cause of the omission, for instance, when pleasure is the cause of omitting the Sacred. Thus c. 10. num. 16. p. 353. v. I say 2.

Lugo, Fill., et cum aliis, et communi: Quare sufficit tunc tantum omissionem confiteri: Si vero actio, quæ est causa omissionis, sit etiam grave peccatum, nempe si quis omittat Sacrum ob furandum, tunc furtum potest dici in Confessione seorsim ab omissione Sacri, quia tunc furtum non est nisi causa aggravans, non autem mutans speciem. Thus Nao. with n. 21. against Corneio 10. — It must be noted III that the sin of omission begins to be imputed from the time when its cause is advertently placed. Thus it must be said with Sanchez, Bon. c. 10. n. 22. contra Sylo. Moreover, it must be said that voluntary omission is imputed as a cause to sin even though the will cannot subsequently operate, for instance if someone, foreseeing the cause of drunkenness, omits celebrating Mass; then he is bound to confess the cause and its effect, namely drunkenness and the omission of the Sacred, thus better, say they. 28. with Soto . . (contra etc.). However, provided that the will does not retract after the effect follows, as probablists teach . . for it is probable not to be bound to confess the effect that has followed. See what is said in the fourth book, number 149.

From this it is also deduced that if the effect occurs after retraction, no censure accrues to those who are sinners, because this requires contumacy in the act of sinning; see what is said on point 7, number 40, paragraph 11. — Question None: Is a venial sin committed against the Divine Law? It seems to be denied by St. Thomas, I, 2, q. 88, a. 1, ad 1, that... is against the law... but... for another reason according to the law, because it does not observe the measure of reason which the law intends. They affirm, however, Estius and moral canon law chapter 8 on sin number 4. And the reason for these things presses very hard, because a venial sin is really also prohibited by God, as stated in Ecclesiasticus chapter 7. Do not wish to lie.

Matt. 5. do not swear at all. Therefore, even a venial sin is contrary to the Divine Precept. And this is the true judgment, for as it is well explained in c. n. 6., to distinguish the substance of the law and the manner of observing the law; hence, although venial sin does not contravene the substance of the law, it is nevertheless against the manner of observing the law, which manner is certainly prescribed by divine law when it dissonates from right reason. Therefore, it is always true that a venial sin is contrary to the law of God, not substantively, at least (to put it thus) modally. Here some speak of original sin, and of its effects; but since this matter is not within the scope of the present institution, it can be observed by Scholastics treating of it.

Regarding however the censure concerning the sentence pertaining to the Conception of B. Mary's [case] see Dissertation in book 7 on Censures, from no. 244. Here however it is to be noted that the Proposition which stated that it was neither a mortal sin nor deserving of eternal punishment, namely that fault which is acknowledged as contrary to reason but not to divine law, viz.: "That in him who either does not know God or actually does not contemplate God, there is a grave sin, but it is not an offense against God, nor a mortal sin dissolving the friendship with God, nor worthy of eternal punishment," "The said Proposition was condemned by Alexander VIII." And justly so, for he who knows even his own adversary against reason, nevertheless (at least in a confused manner) acknowledges the injury which he inflicts upon God, who is the Author of Nature. ## DUBIUM II. ## Whether desires and delectations are sins, and in what manner and way?

By desire is understood the will, intention, or effective purpose of a thing that is evil: by delectation, however, is meant simple love and complacency in the object thought of, deriving pleasure from its sweetness, without any desire for execution; it is commonly called slothful; not because of a delay of time, since it can be completed at a moment's

notice; but because the will, after full attention of reason, remains inactive towards it. ## ARTICLE I. ## What kind of sin is evil desire? 12. Does desire take a form from an external act? — 13. Is desire for a bad object a sin when accompanied by conditional consent? — 14. Is a delight in an evil object illicit, even though consent is conditional? 15o: LIB. V.

TREATISE. OF SINS. CAP. I. 12. - "Rvsp. 1." Absolute desire, or a consideration with consenting will absolutely at some time to commit sin, or to complacently perpetrate it; has the same species as the malice of mortal or venial sin, which is in an exterior act into which one is drawn. It is common and is confirmed from Matthew 5:28.

Whoever shall have seen, etc. The reason is because the interior act has its goodness and malice from the exterior act, as from an object. Thus common. 13. — "Resp. 2. Desire with a conditional consent, by which one concupiscs something under such a condition, which removes all the malitia of the object, is not a sin, at least mortal: for example. » I would wish to prey, if God should permit it to me; if I were judge, I would kill this malefactor. d. 6. q. 4. p. 4. Saying.

Translation reference 13. Decretum 16. Chapter 27. Vasq. 1. 2. d. 116. c. 2. Siverd: « If the condition does not remove malice, it is a sin: for example, if you think, if there were no inferno, I would fornicate; if I were not religious, I would commit fornication; if I did not have reason for my status, I would seek revenge, and kill you: likewise, if you had done this to me in adolescence, or before entering religion, I would have avenged myself: understand, if while saying these things he has the affection of wanting to take revenge, then it is understood that he would be in such a state; otherwise, it would be different, if only he showed what he would have done in another state. » Bonaventura de Mattia, quaestio 4, partitio 8, nota 9. The reason for the response is this: although the conditioned consent does not place anything in the nature of things from the part of the object willed, yet in the will it places an affect of committing that sin with a precise condition which does not take away its malice; and thus such a guilt will be as if it had been loved without any condition.

Cajetanus. I. Moralium. Caput. II. Vasq. Laicum l. 1. tr. 3. c. 6. n. 10. 1. In omnibus solo jure positivo prohibitis, licitum est desiderium cum conditione hac (si prohibitum non esset) v. g. I would eat flesh on Friday, if the Church did not prohibit it.

The reason is, because the condition removes all malice which arises solely from prohibition. . 4. cap. 6. qu. 10. . 2. c. 2. Vasq. d. 16. c. 2. 2. The same

holds true for prohibitions according to natural law, but permissible in some case or state, if it is added as a condition; e.g., gr. "If God commanded me to kill Peter, I would kill him; if I were a judge, I would hang the thief; if it were permitted and I were free from vow, I would take a wife: The reason is that these things are licit under that condition."

Correctly but beggarly. Sin, hupusmodi desideria esse periculosa, et vitanda, atque ut Caj. ib. esse fatuas, et diabolicas tentationes, ib. et 1. t. 3. c. 6. n. 10. Even though some affirm, as Cajetan does universally, that from all things justly prohibited by natural law and simply forbidden, if the condition of impossibility be added so as to remove the notion of sin from the object: for instance, if you say, if there were no sin, I would fornicate, because then it seems that consent would not be drawn into evil; yet it appears more probable what they teach, namely, that it is intrinsically evil; nor is its malice (which would draw consent towards such an object, unless the divine law forbade) set aside; therefore, the will is drawn into evil. Understand this, if it be effectively carried over; for if there merely be the signification of natural propensity to that object, it is not a sin. Saint Thomas Aquinas. I. 1. c. 2. n. 25. 1. t. 3. c. 6. n. 11.

C. de Lugo d. 16. n. 376. It is therefore asked whether one sins by approving some evil object, provided that it were permissible? It must be distinguished: If the condition were to remove the malice of the object, then he would not at least grievously sin. This can happen, not only in those things forbidden by positive law, as if it were said: I would eat flesh in Lent, unless the Church prohibited it; but also in those things forbidden by natural law, in a case where the object could be licit, namely saying: If God were to permit it, I would take Titius' thing; Unless I were not a priest, I would take a wife, and similar things; according to 1. c. 2. n. 24. 1. tr. 3. c. 6. n. 10. 1. p. 82. n. 18. et alii communiter. We have already said that such desires are at least gravely displeasing, for ordinarily such desires are not excused by venial sin, since they are commonly perilous or at least idle; but it would be mortal sin if the condition did not remove the malice of the object, namely: I would commit sin, if I were not sick; I would kill an enemy, if I had a sword; I would fornicate, if I were not a Religious, etc. This is certain among all: Similarly also they say in chapter 23, and with Augustine: If there were no sin, I would wish to blaspheme, to curse, to commit fornication, to revenge myself, and similar things; because these are intrinsic evils, and can never be free from sin.

Wherefore D. 4. p. 8. n. 21. thus concludes. Valent. et Sur. tr. 2. D. p. 10. §. 2. n. 10. cum. Therefore, Vasquez. Seyr. et. 20. c. 13. n. 62. cum; autem si allud esset, ut optares, ut illud malum objectum non sit prohibitum, quia per se malum est velle inverti ordinem et legem naturae, ut recte dicunt c.

cum aliis.

And thus can be reconciled the diverse aforesaid opinions. 14. — To rejoice and take delight in an evil work, under the condition (if it were permissible), for example, in the aforementioned efficacious but illicit desires, when the condition is possible although it might be repelled, according to some Doctors, if it happens only according to the reason of appetite or will (secluding every other consent to illicit and shameful movement; which follows thus barely because they are consumed and connaturally follow, hardly seems safe in practice), cannot be. Nevertheless, it can be excused if there is delight. The voluntary appetite of the sensitive will, which is properly called delight, commonly occurs with some alteration of the body. The reason for the condemnation is that the will can be drawn to an abstract object from malice, since it follows intellect, whose function it is to abstract; but the appetite, because it follows imagination, does not take hold of an object under some certain condition of status or temporal apprehension, but as it is in itself; hence such delight is with respect to an absolutely evil object. See question 4, page 8. However, more truly it should be said that even without the delight of sensitive appetite, any delight from an object here and now which is intrinsically evil is per se illicit, as held in 1. c. 2. n. 5 l. 4. c. 6. q. 10.

Sat. 13. n. 61. . 2. c. 3. q. 3. et . 5. n. 82. Reason, because (as Croix says well ibid.), although consensus is conditional with respect to the object, nevertheless with respect to the delectation it is absolute; and since delectation renders the object present now here, such an object, being subsequent to condition and rendered comely, is simply evil; therefore the will delights in this object simply as something evil now here, and thus it cannot be excused from sin. See to be explained below n. 14. On the other hand, it should be said thus: if anyone were to say that I would be delectated by this, if it were not evil, as rightly stated in n. 61. Art. II. Whether a morose delight is always a sin? 18.

In quid differant desiderium, gaudium, et delectatio? What if someone takes pleasure in the bride not because she is a bride? — 16. When is delectatio a sin? — 17. In quo differat delectatio a malo re et delectatio ab cogitatione rei mali? — 18. Whether delight is a sin inasmuch as it pertains to the mode of evil action? — 19.

Whether it is licit to rejoice in the effect of a good that has been followed from an evil work? — 20. What if the work itself was formally evil, that is, squared with sin? — 21. Is it licit to take pleasure in the proximate evil for a good end? — 22. Is it permissible to wish for one's daughter's death if

one could not marry her due to poverty, etc.? And is it permissible to wish for one's own death in order to avoid an excessively harsh life? — 23. Is it licit for spouses, betrothed persons, and widows to take delight in the act of conjugal intercourse? — 24.

What above all concerning Spouses and Widows? — 25. Is it permissible for married persons to take pleasure in conjugal union if the spouse is absent? — 26. How many sins shall he commit who boasts himself concerning a committed sin? — 27. Is it permissible a delight in something solely by reason of a positive legal prohibition thereof? — 28. What is to be explained regarding delight? — 29.

Does he sin who exercises an action from which carnal delectation is understood to arise? 18. — BEFORE ALL ELSE IS TO BE CONSIDERED PRANOTANDUM regarding evil thoughts: desire is one thing, joy another, and morose delectation yet another. Desiderium est actus voluntatis tempore futurae res- piciendi, qua quis deliberatè intendit opus cogitatum, utpote perfectionem consummare. And this desire is called efficacious when one takes up a means to lead it to effect; inefficacious, however, is that which does not propose to carry out what would be carried out if it could, as for example if one were to say: If I could steal the Church's treasury, I would steal it. On the contrary, joy looks back to the past, and is when one takes pleasure in oneself for a bad deed committed. Finally, morose delight regards the present time, and this is when one, through the imagination of fantasy, makes present to himself an act of sin, namely fornication, and takes pleasure in it deliberating consentingly, as if he were actually committing fornication, without however desiring to carry it out.

However, the opinion of Lugo on canon 6, note 348 is very probable. Bon. de p. 8. n. 3. cum p. 84. n. 24. 1. tr. 2. c. 6. n. 15. Az. l. 4. c. 6. 10. c. 3. n. 3. . 2. D. 2. p. 10. §. 14. n. 2. item Vasq. Sayr. tr. 20. c. 13. n. 30 (who contradict n. 31 with Cajet.). And he says this probably enough t. 1. p. 316. n. 698, namely, that although there is no obligation to explain the circumstances of adultery from the reason of delight, it is nevertheless in practice to be explained from the reason of the proximate danger of concupiscence (at least inefficaciously) towards that married woman with whom one takes pleasure.

Nulli vero dubium committit adulterium quotiescumque habeatur gaudium seu complacentia de copula habita vel desiderium de copula habenda cum conjugata, quia tunc voluptas amplectitur totum objectum pravum cum omnibus suis circumstantiis, nec ab illis praescindere potest, ideoque castitatem et justitiam laedit. Item, si quis delectetur de copula sodomitica.

Item, si persona, qua delectatur, sit voto castitatis obstricta, etiam contra votum peccat. These are certain according to 10. c. 3. ex n. 2. apud omnes. 16. — « Resp. If the thought concerning riches is terminated according to itself as evil, it is a mortal sin, or a venial sin, insofar as the work itself is mortal, or venial.

It is commonly held from question 27, article 8, section 2: "I said, according to itself: because if the delight be merely in the very cogitation, and not in the work, it is not a sin, since the cogitation is fitting, for example, concerning obscene things, in order to teach or preach; etc., good are they; but the cogitation about the same things from curiosity is venially evil: consequently, delight in such a cogitation as an object, is not evil, but sometimes good, sometimes venially evil." Aliquando est delectatio ex opere malo, ita ut opus malum sit objectum delectationis, quae semper est mala; alia est delectatio ex cogitatione de opere mali, ita ut non opus malum, sed ipsa cogitatio de opere sit per se objectum delectationis. And hæc vel potest esse bona, si adsit justa causa cogitandi, v. g. causa studi, consultationis, etc. cum abominatione objecti; vel potest 15' LIB. And this may indeed be good, if there is a just cause for contemplating it, such as the cause of study, consultation, etc., with abomination of the object; or it may be 15' LIB. TREATISE.

Baccaitis. CAP. I. To be venially wicked if it is done out of curiosity, etc., and can sometimes even be gravely wicked if there is a danger of nearby consent. Thus S. Thom. 1-2, q. 74, a. 8, where he says: "Therefore," concerning fornication, one can consider it in two ways. One way concerning itself with that very thought, another way concerning itself with that very fornication thought about... but the thought itself in and of itself is not a mortal sin; hence sometimes it is only venial, as when someone inutilly thinks about it; at other times it is without any sin at all, as when someone thinks about it otherwise, consonant with his will to speak or dispute about it, etc. He says that the thought is mortal when one who thinks about fornication takes pleasure in the very thought itself. And commonly the Holy Doctor follows St. Ant. 13 n. 27 18 — « Similarly, no sin will be, if delight revolves around the manner of evil action, not around the evil work itself: just as often without sin we are delighted by stories, comedies, battles, homicides, frauds, thefts, a man's fall from a horse, etc. not according to themselves, but according to the manner, of stealing, robbing, artful and industrious, the manner of an unexpected fall. . 1. »

1. 3. c. 6. n. 2. Whereupon it is commonly resolved: 1 10. — « 1. It is licit to rejoice and leisurely delight in the effect of good, following from an evil work: because delight is not in the object of evil. 2. If such an effect shall

have followed from the work according to something indeed evil, yet here and now with guilt absent, for instance: because it was done in sleep, madness, drunkenness, or through innocent ignorance, then even at that time it is sometimes licit to take pleasure in the very act itself, not on account of the act itself, but as being the cause of such a good effect, teaches 4. c. 3. n. 105 and 106 from Vasquez, l. 2, d. 105, c. 21, viz., concerning the solution of nature effected in sleep. The reason is because the object of this delight is not evil. Q. 4.

Page 8. Chapter 1. Moral Theology. Number 18. C. de Lugo on bread, disp. 16. Note 389. But moreover, it is sometimes permissible to desire (with a disposition similar to a plicable and inefficacious desire) that something occur without fault; for example. » that in sleep nature may be relieved, for a good end; provided that the desire is not so intense as to cause something fitting to be done twice over without due reflection: nor should there be any danger of consenting to such a lust.

They say that the reason is because the object of this desire or joy is not evil. See chapter 20. Therefore, it is asked in I. Is it licit to be delighted with an evil work, on account of a good effect following therefrom? Distinguish: Si opus fuerit formaliter malum, scilicet quia cum peccato patratum fuit, peccat qui de illo delectatur, etiamsi delectetur de opere malo non ut peccato; sed ut causa effectùs secuti. Thus altogether must it be held according to 20th chapter, 13th section, number 47 (contra Vasquez, they who think that it is licit to delectari from that thing not in itself, but as a cause of the good effect).

But it is more correct to hold the opposite according to 1. c. 2. n. 16. p. 600. Conclusion 3. with Asorio, Croix l. n. 91. . 2. c. 3. q. 4. Reply 12 and number 49. Reason, because although the action was not sinful, it was nevertheless objectively evil; and this, as rightly noted by Innocent, who condemned it. XI. quae dicebat: "Lícitum est fílio gáudere de parricidíó patérnis à sē in ebriétate perpétrátum, própter íngentes dívítias índe ex hærédtate consecútas."

Nec obstat doctrina S. Th. in IV. Distinction 9, Question 1, Article 4, Quaestionem 1, ad 5: ubi Sanctus Doctor dicit: « Si autem placeat (id est nocturna pollutio de qua loquitur) ut naturae exoneratio vel allevatio, peccatum non creditur. » » And that follows. Therefore, in accordance with the common. For rightly do they say in n. 18. c., that S. Th. should be understood as speaking about pure natural pollution, which naturally proceeds from nature when it is relieved; and therefore, since that is not objectively evil, even though one may find satisfaction therein, this is not due to the delectation caused thereby, but rather due to the relief obtained

through it.

On the contrary, it will not be permissible to take delight in an act that is objectively evil, especially in the case of nocturnal pollution, which has come about through touch or a disgraceful dream, because then this would have been an objectively evil thing. Thus they say, if it has come from moderate food, or from a useful study, etc., because then pollution would also be natural, and it would be permissible to take pleasure in it, provided there is no disturbance of the spirits. But this does not please me. In quocumque casu tamen licet, per se loquendo, cuique delectari, non de causa, sed de effectu secuto, nempe de exoneratione causata à pollutione, etiam voluntaria; vel de consecutione haereditatis ob homicidium, modò causa detestetur. I said per se loquendo; for such pleasures sometimes lack no danger, as they rightly say in c. Resp. 1. at the end. 20 c. 13. n. 46. 21. — Question None

II. Whether it is licit to take pleasure in the harm of one's neighbor for the sake of some good? These two Innocents are to be pre-noted beforehand. XI. Prop. 13. said: "Si cum debita moderatione facias, potest" absque peccato mortali de vita alius tristari, et de illius morte naturali gaudere, illam ineffieaci affectu petere, et de siderare, non quidem ex displicentia personæ, sed ob aliquod temporale emolumentum.

Prop. 14. dicebat: « Si cum debita moderatione facias, potest esse absque peccato mortali tristari de vita alicujus et gaudere de illius morte naturali, illam ineffieaci affectu petere et siderare non ex displicentia personae sed ob aliquod temporale emolumentum. » It is licit to desire absolutely the death of the Father from a motive of cupidity, not indeed as an evil of the Father, but as a good for the one who understands; because, in truth, a rich inheritance will be expected to come forth. » These propositions have indeed been justly proscribed, because according to the order of charity, we are bound to prefer the life of our neighbor to any temporal advantage of ours. Non damnandus tamen qui gaudet de effectu secuto, scilicet de haereditate obtenta ex morte alterius, si non gaudet de causa, hoc est de morte: licet malitia sit periculosa, ut mox supra diximus cum. It is licit to rejoice in the misfortune of one's neighbor, on account of a greater good for him or an innocent person, namely if I take pleasure in the infirmity of my neighbor, and even in his death so that thereby he may desist from sins, scandals, etc., as they say p. 338. with Bonaventure.

Reg. et n. 43. cum etc. Hoc autem expressè docet S. Thomae in III. q. 1. art. 1. ad 4., ubi ait: « Unde quia charitas ordinem habet, et plus debet diligere quisque se quam alios, et propinquos quam extraneos... Potest aliquis salva charitate optare malum temporale alicui et gaudere si

contingat; non in quantum est malum illius sed in quantum est impedimentum malorum alterius quem plus tenetur diligere vel Communitatis vel Ecclesiae. » It is also written by St. Gregory: "It often happens that the ruin of our enemies does not diminish charity, but rather may bring comfort; and again, without guilt of envy, his glory grieves those who are culpable; for as we believe some to be raised up when he falls, so many others we unjustly oppress while he prospers." Moral. lib. 22. cap. 22. This nevertheless is always to be understood, preserving the order of charity, namely when the evil which is avoided outweighs or equals in weight the next desired good. Thus equally some people believe and adhere and .

It is permitted to rejoice in a temporal private evil for a temporal common good, as stated in 2. c. 47. n. 21., according to St. Thomas as above, and n. 45. according to Et; what has been said about delight must likewise be said about desire, as stated at 22. — Is it permissible to wish for one's own death, as a means of avoiding an excessively harsh life due to infirmity, cruelty of a man, poverty, and similar causes? They deny it, citing n. 46. with Nao. The reason is that it is not permissible to will death for the sake of avoiding any evils of lesser moment. But they do not affirm imprudently. Doctor 4, part 1, number 11. Way in Proposition 14.

Inn. Eleventh number, note three. Item, Soto, Grana. Sancius, and in lib. 2, n. 30, vers. 2. It is permissible, in the final case where life would be so grievous that death itself would seem more bearable. Now, however, it is permitted for a mother to wish for the death of her daughter, insofar as the daughter cannot marry on account of deformity or poverty, or because the mother is ill-treated by the daughter's husband?

Asserting. By the same authority. In the third book. Chapter twelve. Question two. Pad. tr. 6. D. 4. p. 1. n. 11. et Bon. de Char. Decretum 3, quaestio 4, particeps ultimus, numeralis 7. Reason, because such a desire is not so much from evil, as from good to be followed.

But they rightly reject it and q. 4. Reply 1. The reason is, firstly, because it is never permissible to wish for the temporal death of one's neighbor for a good reason (this seems not to be doubted, as has been stated above); secondly, because the evil of the Mother does not outweigh the evil that would be wished for the daughter. 23. — « 3. It is not a sin, at least mortal, if spouses are delighted with an appetite solely rational regarding the act of conjugal union past, future, or possible, concerning either present or absent sharing. Moreover, if the bridegroom desires the future union, or is desirous thereof, it does not constitute a sin, at least a mortal one, in general terms.

DUB. II. 157 • it shall be read; or a widow concerning the past. The reason is because these acts have an object that is licit. "I said with a rational appetite; for if the bridegroom or widow consents voluntarially in the enjoyment of a sensitive and carnal delight (which arises naturally from the memory of a future or past union), they mortal sin, as it is taught by c. t. 2. c. 6. n. 120." Resp. 2. contra inter con- • juges tamen, modò periculum pollutionis absit, etiam sensitivam, • et veneream delectationem non esse mortale, docent q. 4. . et misc. • R. 36. tum quia status matrimonii hæc excusat, uti etiam tactus impudicos, solius voluptatis causa institutos; tum quia hæc tendunt per se ad opus conjugale, licèt per accidens opus non exerceatur. Here are sought two things much needed to be known: Question: I.

It is permitted to spouses and widows the delight of future or past coition. Busenius responds that it is permissible to take delight in it themselves, provided they do so with a rational appetite, and not with a carnal one. (He rightly adds in practice that this can hardly be admitted, since carnal delight is most closely attached to the rational.) This view is also held by 20. c. 13. n. 57. with Naunaius. Caj. Even secluded from the danger of sensitive delight, it is more correctly said with p. 318, n. 701. 2. c. 3. q. 5., and any other delight of the will in betrothed persons, and widows regarding a future or past union, to be evil. Reason, quia delectatio reddit sibi objectum præsens; et ideo semper ac objectum præsens hic et nunc est malum; cum absit hic et nunc conditio cohonestans matrimonii, mala etiam est omnis actualis delectatio de illo.

Another thing to be said; for this is permissible, because, since the will is directed toward a future object, it can desire that under a condition which will make the object licit. Because in such desire there is also present the danger of delectation; hence, the spouses are exhorted to diligently turn away from such vile thoughts. 25. — Question NoneII. Is it permissible for spouses to delight in intercourse, even if one spouse is absent? They deny that it is permissible to take pleasure in conjugal relations when there is a commotion of the spirits; because they say that such a commotion is not licit for conjugates unless it is ordered toward copulation.

But [they] speak inappropriately, for themselves 12. p. 266. q. 6. R. 11. cum S. l. 6. n. 935.) quod tactus impudici (qui r58 LIB. V. TREATISE. OF SINS.

CHAPTER I Certè nequennt ut plurimum esse sine commotione; inter conjugas, absente periculo pollutionis, sint liciti, saltem non graviter

illiciti, etiamsi ob solam voluptatem capiantur, et ad copulam minime ordinentur. Therefore I say, why is it not the same thing to be said about desire? Wherefore I deem the opinion of Bus. very probable, which states that it is licit for spouses to delight carnally in copulation past or future, provided always that there be no danger of pollution. The reason is that (as they say in note 84 when speaking of impure touches), this very status of Matrimony renders all these things licit; otherwise, the matrimonial state would be excessively subject to scruples. They hold this opinion, besides what was stated above at number 23 in fine, S. tit. 5, § 1, c. 6

Cajet., I., 2., q. 74., art. 8., ad 4. Coninc. Doctor D. thirty-fourth question, eleventh doubt, first conclusion. Croix 1:6:3 num. 337 cum Gerson et aliis plurimis; item n. 88 et 89 qui probabilem putant. And it is favorable to D. de Malo, art. 2, ad 17, where he says that a fitting copula is a lawful connection for spouses, just so also with regard to delight in that. Finally, this should be noted with 20 c. 13, n. 66 and 67, with Lug.

Cajetanus. Otherwise, if boasting be concerning a committed sin 27. — " 4. Morose delight in things is illicit solely by positive legal provision, and thus it is not illicit, provided that it not be done under the reason of prohibition: for example, if a Carthusian or another on a fast day should take pleasure in constrained meat-eating, because it is not an act of evil, although the law only prohibits external consumption. 1. t. 3. c. 6. n. 9. . 4. c. 3. d. 15. n. 111 et 113. ˚ (And thus it should be held according to 2 c. 13. q. 3. Reply 11. Whatever Croix says, book 5, note 81. It is not permitted to take delight in the Mass out of forgetfulness and similar reasons, because omission is objectively evil, as stated in q. 5 cum .) ˚ 28. — « 5. He who confesses a morose and mortal delectation ought to add the circumstances of the work from which that delectation arose: for example.

» In the matter of anger, whether it was concerning the killing of a brother, or some other thing; by one, from many: in the matter of flesh, whether concerning conjugal union, monastic vow, or consanguineous relationship. Which, however, Azorius and Sa limit. See Luxury, Sala. l. 7. tr. 13. d. 16. s. 6. n. 59. etc., si delectatio feratur in objec- tum apprehensum secundum totam suam malitiam, non autem si tantùm secundùm partem; v.g. in foemina m apprehensam, ut non suam, non tamen ut alteri nuptam vel ut monialium: tunc enim probabile esse ajunt, delectationes tales reduci ad speciem simplicis fornicationis. Thus also Fill.

Vide Lugo d. 16. n. 363. It is something different in itself from an external work, which is always taken as the object according to its entire malice: or even a desire effectively causing it, which is taken in an external work, according to itself and as it is apart from the thing; and therefore it is of

the same species; hence its circumstances are always to be declared: see n. 15.) 9. 29. — « Resp. 2. If anyone performs an action without cause and necessity, from which he understands that a natural delight of the flesh will arise (for example, by reading out of curiosity or listening to turpitude), yet without direct intention and without risk of consent, he sins venially; but if he has a just cause, he sins not at all. 9 (See above in 6.) Processus libri tertii, nomen quarto octoginta duo. 6.

If pollution.) 9 You ask, Whether the will is positively bound to refrain from carnal delight? " Res. 1. If the will, having fully adverted to it negatively and permissively, holds itself such that neither does it approve nor repel it, provided that this is not permitted on account of complacency in its own delectation, nor there be a danger of further consent, it is probable that Cajetan teaches: not to commit mortal sin: first, because one does not consent to the delectation; secondly, because morally it is impossible to avoid all those movements; thirdly, because it is lawful to permit them for just reasons, even according to adversaries. In practice, however, it seems more truly to be the case that they teach 2. t. 2. q. 5. c. 5., that without just cause to resist them is mortal: because the will is nearly always exposed to the danger of consent; and to believe otherwise is excessive confidence and presumption. Moderately: and if you negligently neglect to efficaciously turn the mind away from other things, when it is easily possible for you and you hope that in this way you may be able to repel it. See i.k: 3. c. 6. n. 3. 9 (see previously stated above this point lib. 5. n. 7.) 9

DUBIUM III. DE DISTINCTIONE PECCATORUM.

ARTICLE I What kinds of sins are distinguished by species? How do sins differ in species as regards their matter, and how they differ formally? — 31. From what eightfold root is derived the diversity of species? — 32

Whether sins are distinguished in species by opposition to virtues, or by the diversity of objects? — 33. Whether different kinds of sins are distinguished by different precepts? — 34. Can a sin, from a less weighty object, exceed the gravity of a sin of a superior species? 30. — « Resp. Sins, so far as their material aspect or positive entity is concerned, are distinguished by species according to formal objects and varying circumstantial species, insofar as they have a reason from the formal object; but formally they are proximately distinguished from opposite forms, or from rectitude of virtue which they deprive, remotely however, and fundamentally from the objects. Thus Tan. d. 4. de pecc. d. 1. q. 2.

The reason for the first part is because all acts are distinguished by species from objects; but with regard to materiality, sins distinguish those very acts themselves. The reason for the second part is because privations are distinguished in species from the forms by which they are deprived, but formally peccata are privationes oppositarum rectitudinis. Ratio tertii partis, quia rectitudo virtutis specificatur proxime ex ob-jecto: ergo privatio rectitudinis ex eodem remotè. Unde resolves: 31. — Peccata specie differunt, non tantum quæ diversis virtutibus, sed etiam quæ eidem opponuntur extremè, ut pro-digitalas et avaritia: vel ratione diversae difformitatis, id est, quæ adeo diversa ratione et malitia ejusdem virtutis materiam attingunt, ut quantùm est ex natura ejusdem peccati, non sit eadem facilitas, moraliter loquendo, neque propensio utrumque peccatum committendi; qualia sunt homicidium, fur-tum, adulterium, detractio. They teach that the circumstances mentioned in the Confession are to be explained, as they change the species of sin. Here is the inquiry: From what fourfold root does the specific distinction of sinners arise?

Resp. cum Bus. et sententia communiori, sumi ex duplici rahi, nempe I. From the opposition to various virtues. II. From various and different deformity against the same virtue, as happens in perjury and violation of vow, or blasphemy; for although these sins are against the same virtue of Religion, they nevertheless have a distinct species. As regards this second root, the Doctors agree. 32. — But as regards the first, namely whether, in opposition to virtues, a great question arises between St. Thomas and Scotus, whether a proximate specific distinction is drawn from objects diversely sinned against or from different virtues by which sins are opposed?

S. Th. 1. 2. q. 72. art. 1. 20. c. 12. n. 1 et 2. et alii tenent proximè desumi ab objectis specie diversis. Reason given by St. Thomas for the second «quia» is that sin... does not have a species on the part of aversion, but on the part of conversion..., according to which it is some kind of act. Scotus autem, sed contra Bonaventuram, tenet distinctionem speciei desumiri a virtutibus, quibus opponuntur peccata; quia peccatum formaliter sumptum consistit in oppositione ad virtutem, qua privat. Both opinions are probabüls, and both truly coincide in this, as well say those of q. 1., that although sins of commission are distinguished from virtues opposed to them, as he himself holds; but sins of omission are entirely distinguished by opposition to objects, or to acts by which they deprive [one]; thus, sacrilege and fasting are sins of a different species against the due obedience of the Church, because sacred things and fasts are objects of a different species. Finally, inquire 2., whether sins are distinguished by species from different precepts? They affirm NaO.

Th. 1. 2. q. 72. a. 6. ad 2. Cajet. Val. . Rom. 1. c. Croix. 1. 4. n. 47. Sabm. d. c. 12. n. 5 et 6. ex communi, quod si præcepta distinguantur tantum ex parte Legislatorum (ut est in lurto, quod prohibetur Lege Divina et Humana), minime inducunt distinctionem specificam peccatorum; quia diversitas Legislatorum non efficit præceptum esse formaliter diversum, sed tantum materialiter. Otherwise, if precepts are distinguished according to the motive for prohibition, then different virtues are injured; as when someone were to break the jejunium precept given by the Church and to which he himself had voluntarily subjected himself through a vow; for then he would injure temperance, from which the Church commands jejunium, and religion, from which God commands vows to be observed.

To recognize when laws are established for different ends, it is said that one must see if a human precept draws an act to a special other virtue, or to opposition with another special virtue. Here it is brought forth: I. Si quis occidit Sacerdotem, non solùm peccat contra justitiam, sed etiàm contra Religionem, ex cujus motivo Ecclesia vetat Sacer- dotis lesionem. It is stated II. A priest who, being a beneficiary, omits the Divine Office commits one sin against Religion, but not against justice, if he wishes to restore the fruits of the Benefice; because for the same reason the Church commands the recitation to him who is a priest and a beneficiary, who is bound only by justice not to produce the fruits thereof. Thus 12. n. 12. contra. n. 145.

What. I. 34. — Is it asked here that a sin, on account of its object, may by reason of circumstance exceed the gravity of a sin of a higher species? They deny but affirm more proba- bly in S. Th. 2–2, q. 10, a. 3 ad 1, where he says: « Nihil prohibet » peccatum quod est gravius secundum suum genus, esse minus grave secundùm aliquas circumstantias. The Doctors follow thus: P. p. 524, n. 6; also Caj. c. 12, n. 22, and others commonly; because although a sin is gravely heavier inasmuch as it opposes a more perfect virtue, according to what S. Th. 1, 2, qu. 73, art. 4 says, nevertheless, since the gravity of a sin of a higher species is finite, therefore, even though physically the malice of a sin of a lower species cannot exceed it in wickedness, yet morally it can. Hence sodomy and bestiality are graver sins than perjury, as taught by S. Th. 2. 2. q. 144. art. 3. cum n. 22.

And thus the aforementioned rule for measuring the gravity of sin according to opposition to a superior virtue applies only when sins are greatest against any one virtue, but not when the comparison is made between the maximum sin and the minimum. voluntaria appetitus sensitivi, quae proprie delectatio dicitur, fique communiter cum aliqua alteratione corporis. The reason for the condemnation is that the will can

be drawn to an abstract object from malice, since it follows intellect, whose function it is to abstract; but the appetite, because it follows imagination, does not extend to an object under some definite condition of status or temporal apprehension, but as it is in itself; hence such delight is with regard to a malum absolutely. See question 4, page 8. True is to be amended because thus comes the motion of delight in the sensitive appetite, which any delight in an object here and now intrinsically involves malice per illicita, ut tenent. l. 1. c. 2. n. 5.

At the time and place mentioned in the fourth question of the first part, chapter six, zeroth point. Sam. 1 3. n. 6 1. . 2. c. 3. q. 3. et a p. Croix. l. 5. n. 8 2. Reason, because (as Croix has said), although the consent is conditioned with respect to the object, yet with regard to the delight it is abolished; thus when a delightfully presented object is given at this very moment, that same object, being united by an honest condition, is simply evil; hence the will delights in the object at this very simple and present evil, and on this account cannot be excused from sin. I have seen the end in France. Otherwise it must be said, if anyone were to say that delectation arises from this, unless something were evil, as is held by some in book 1, chapter 2, note 61.

Article II. Whether a sluggish delight is always a sin? Concerning that in which desire, joy, and pleasure differ from one another? What if someone takes pleasure in the bride not because she is a bride? — 16. When is delectatio a sin? — 17. In quo differet delectatio de re mala et delectatio de cogitatione rei malae? — 18.

Whether is the delight a sin regarding the mode of evil action? — 19. Whether it is licit to rejoice in the good effect followed from an evil work? — 20. What if the work itself was formally evil, known and squared with sin? — 21. Is it permissible to take pleasure in the proximate evil for a good end? — 22. Is it permissible to wish for the death of one's daughter if one could not marry her on account of poverty? And is it permissible to wish for one's own death in order to avoid an excessively harsh life? — 23.

Is it licit for spouses, betrothed persons, and widows to take delight in the act of conjugal intercourse? — 24. What above all concerning Spouses and Widows? — 25. Is it permissible for married persons to take pleasure in conjugal union if the spouse is absent? — 26. How many sins shall he commit who boasts himself concerning a committed sin? — 27. Is it permissible a delight in something solely by reason of a positive legal prohibition thereof? — 28.

What is to be explained regarding delight? — 29. Does he sin who exercises an action from which carnal delectation is understood to arise? PRßNOTANDUM in every case, let all vicious cogitations be avoided; for desire is one thing, joy another, and delectation yet another. Desiderium est actus voluntatis temporis futurum respectu operis cogitati, quo quis deliberatè intendit opus cogitatum, putans forniciatione m consummare. Ethical desire is said to be efficacious when one meditatively takes upon himself the adduction of that effect; inefficacious a word does not propose to execute, but consents, which it would execute if it could, as for instance if one were to say: If I could steal the treasures of the Church, I would steal them. On the contrary, joy looks to the past, and it is when one takes pleasure in a bad deed already committed. Finally, morose delight looks to the present time, and this is when by imagination one makes present to himself an act of sin, namely fornication, and from that deliberate consent he takes delectation, as if he were actually committing fornication, without however having the desire to carry it out.

However, the opinion of Lugo on canon 6, no. 348, is very probable. Bonaventura de la pagina 8, numero 3. con la pagina 84, numero 24. 1a parte, tratado 2, capitulo 6, numero 15. Az. 1. 4. c. 6. 10. c. 3. n. 3. . 2. D. 2. p. 10. §. 14. n. 2. item Vasq. Sayr. 20. c. 13. n. 30 (who contradict n. 31 with Cajetan). And he says this probabily: 1-1 p. 316 n. 698, namely, that although there is no obligation to explain the circumstances of adultery from the reason of delight, it is nevertheless in practice to be explained from the reason of the proximate danger of concupiscence (at least inefficaciously) towards that married woman, into which one has placed himself who takes delight in her.

Nulli vero dubium committit adulterium quotiescumque habeatur gaudium seu complacentia de copula habita vel desiderium de copula habenda cum conjugata, quia tunc voluntas amplectitur totum objectum pravum cum omnibus suis circumstantiis nec ab illis praescindere potest ideoque castitatem et justitiam laedit. Item, si quis delectetur de copula sodomitica. Item, si persona, qua delectatio est, sit obostricata votu castitatis, etiam contra votum peccat. These are certain according to the 10th chapter 3rd, from note 2, among all. 16. — "Resp." If the evil work conceived terminates itself according to itself, it is a mortal sin, or a venial sin, as the work itself is mortal, or venial.

It is commonly held from question 27, article 8, section 2: "I said, according to itself: because if the delight be solely in the very thought, and not in the work, it is not a sin, for the thought is fitting, e.g., concerning obscene matters, in order to teach or preach, etc.; but the thought about the same matters from curiosity is evil venially; consequently, the delight

in such a thought as an object is neither evil nor good, but sometimes good and sometimes venially evil." Alia igitur est delectatio de opere malo, ita ut opus malum sit objectum delectationis, quae semper est mala; alia est delectatio de cogitatione objecti mali, ita ut non opus malum sed ipsa cogitatio de opere sit per se objectum delectationis. And esto peut être bonne, si estat juste cause cogitandi, v. g. causa studi, consultationis, etc. cum abominatione objecti; vel potest. LIB. V.

TRACTatus. CONCERNING THE CATS. CAP. I. to be venially wicked, if it is done out of curiosity, etc., or sought to be sometimes even gravely wicked; if there be a danger of proximate consent. Thus S. Thom. 1. 2. q. 74. a. 8. where he says: "Therefore," someone reflecting on formation can be disordered in respect of two things. By one mode in very same meditation, by another mode in very same contemplation... yet the meditation itself according to its own nature is not a mortal sin, rather sometimes it is merely venial, for instance when someone meditates on something uselessly; but at other times it is altogether without sin, for example when someone meditates on something else in such a way that he wishes to predicate or dispute about it, etc. He calls it a mortal sin when one who is meditating on formation takes delight in the very act of meditation itself.

And commonly the holy Doctor follows St. Ant. 20. e. 13. n. 27. 18. — « Similarly, no sin will be if the delight revolves around the manner of doing evil, not around the evil deed itself: just as often stories, comedies, battles, murders, frauds, thefts, a man's fall, for example from a horse, etc., do not in themselves but by their manner delight us without sin. » Lagn. 1. 1. » 1. 3. c. 6. n. 2. » (Ita . Translation 20.

Whereupon it is commonly resolved: 10. — « I. It is licit to rejoice and sorrowfully delight in the effect of good, following from an evil work: because delight is not in the object of evil. If such an effect shall have followed from a work as regards itself malo, yet here and now with guilt absent, for instance: because it was done in sleep, madness, intoxication, or involuntarily through ignorance, then also at times one may be allowed to take pleasure in the very act itself not according to itself, but as being the cause of such a good effect, teaches. 4. c. 3. n. 105 and 106. ex Vasq. 1. 2. d. 105. c. 21. v. g. de solutione naturae facta in somno. The reason is because the object of this delight is not evil. Q. 4. Page 8. Chapter 1. Moral Theology. Chapter 2. Number 18.

C. de Lugo on penance, disp. 16. note 38g. They further state that it is permissible sometimes to desire (with a simple and ineffective desire) that something occur without fault; for example. » that in sleep nature may be

relieved, for a good end; provided that the desire is not so intense as to cause something reasonably blameworthy: and there be no danger of consenting to such pleasure. They say that the reason is because the object of this desire or joy is not evil.

See chapter 20. Therefore, it is asked in question I. Is it licit to be delighted with an evil work, on account of a good effect following therefrom? Distinguish: Si opus fuerit formaliter malum, scilicet quia cum peccato patratum fuit, peccat qui de illo delectatur, etiamsi delectetur de opere malo ut nos peccato, sed ut causa effectus secuti. So altogether it must be held according to tractatus 20, caput 13, nomen 47, that they who think it licit to delectari from such an act, not in and of itself, but as a cause of the good effect, err concerning the sin. But it is more correct to hold the opposite according to 1. c. 2. n. 16. p. 600.

Conclusion 3. with Astorius, Crixius l. n. ql. . 2. c. 3. q. 4. Reply 12 and number 49. Reason, because although the action was not sinful, it was nevertheless objectively evil; and this, as rightly noted by Innocent, who condemned it. XI. quae dicebat: "Licitum est filio gaudere de parricidio patris a se in ebrietate perpetrato, propter ingentes divitias inde ex haereditate consecutas." Nec obstat doctrina S. Th. in IV. art. 4 q. 1. ad 5., ubi S. Doctor dicit: « Si autem placeat (id est nocturna pollutio, de qua loquitur) ut naturae exoneratio vel allevatio, peccatum non creditur. »

» And after him follows . Therefore, Article 52 with the common. For rightly do they say n. 18. c. in-tellingendum esse S. Th. loqui de pollutione pure naturali, quae naturaliter provenit a natura se exonerante; et ideo, cum illa non sit objective mala, licet sibi complacere, non quidem de delectatione ex ea causata, sed de exoneratione ob illam obtenta. On the contrary, it will not be permissible to take delight in an act objectively evil, especially in nocturnal pollution, which has come about through touch or a wicked dream, because then this would have been objectively evil. Thus they say, if it comes from moderate food, or from a useful desire, etc., because then pollution would also be natural, and it would be permissible to take pleasure in it, provided that there is no disturbance of the spirits.

But this does not please me. 21. — Let it be inquired. II. Is it licit to take pleasure in the harm of one's neighbor for a good end? These two Innocents are to be pre-noted beforehand. XI.

Prop. 13. said: "Si cum debita moderatione facias, potest" absque peccato mortali de vita aliquid tristari, et de illius morte naturali gaudere, illam

ineffieaci affectu petere, et de siderare; non quidem ex displicentia personæ, sed ob aliquod temporale emolumentum. Prop. 14. dicebat: « Si cum debita moderatione facias, potest esse absque peccato mortali tristari de vita alicujus et gaudere de illius morte naturali, illam ineffieaci affectu petere et siderare; non quidem ex displicentia personae, sed ob aliquod temporale emolumentum. » It is licit to desire absolutely the death of the Father from a motive of cupidity, not indeed as an evil of the Father, but as a good of the desirer; because, in truth, a rich inheritance will be expected. » These propositions have indeed been justly proscribed, because according to the order of charity, we are bound to prefer the temporal advantage of the life of any man our contemporary to the life of the Father. Non damnandus tamen; qui gaudet de affectu secuto, scis de haereditate obtenta ex morte alterius, si non gaudet de causa, hoc est de morte: licet materia sit periculosa, ut mox supra diximus cum.

It is certainly stirred up to rejoice in the harm of one's neighbor, on account of a greater good; they can hardly be without disturbance. Between spouses, absent the danger of pollution, may be considered licit, at least not seriously illicit, even if it is undertaken solely for pleasure and is scarcely ordered to copulation. Therefore I say, why is it not said in the same way concerning desire? Wherefore I deem the opinion of Bus. truly probable, which states that it is licit for spouses to delight carnally in a copula, past or future, as long as there is always and absolutely no danger of pollution. The reason is that (as Sadun says in his Decretals, no. 84, speaking about impudent touches) this very status of Matrimony renders all these things licit; otherwise, the matrimonial state would be subject to minimal scruples. They hold this opinion, besides what was stated above at number 23 in fine, S. titulus 5, section 1, chapter 6.

Cajet. 1. 2. g. 74. art. 8. ad 4. Coninc. Doctor 34, question 11, first conclusion, article 1. Cross 1. 6. p. 3. num. 33r. with Gerson and many others; likewise nos. 88 and 89, who consider it probable. And it favors D. de Malo art. 2. ad 17, where he says that a fitting copula is a lawful conjunction for spouses, just so with delight in that. 26. — Finally, this should be noted with 20 C. 13. n. 66 and 67 with Lug.

Cajet.; because then common boasting is added to complacency in the sin committed, which takes the same species of sin. But otherwise, if boasting be concerning a committed sin 27. — “4. Morose delight in things solely positively instituted by law is not illicit, provided that it does not proceed under the guise of prohibition: for example, if a Carthusian or another fasting person takes pleasure in constrained meat-eating, since this is not an act of evil, although the law only prohibits external commotion. I. T. 3, c. 6, n. 9; IV. C. 3, d. 15, n. 111 and 113. » And thus to be held according

to 2. c. 13. q. 3. R. 11. whatever Croix says in book 5, note 81.

It is not permissible to take delight in the Mass on account of an omission or a neglect; and similarly for other such cases, because an omission is objectively evil, as stated at question 5 with article 28. — Article 5. He who confesses a morose and mortal delectation ought to add the circumstances of the work from which that delectation arose: for example. In the matter of anger, whether it was concerning the killing of a brother, or some other thing; once, from many: in the matter of flesh, whether concerning conjugal union, monastic vow, consanguineous relationship. Which, however, Azorius and Sa limit. See Luxury, Sala.

1. 7. tr. 13. d. 16. s. 6. n. 59. etc., si delectatio feratur in objec- tum apprehensum secundum totam suam malitiam, non autem si tantùm secundùm partem; v.g. in foemina m apprehendam, ut non suam, non tamen ut alteri nuptam vel ut monialem: tunc enim probabile esse aiunt, delectationes tales reduci ad speciem simplicis fornicationis. Tantum etiam Filium. Vide Lugo d. 16. n. 363. It is something different in itself from an external work, which is always taken as the object according to its entire malice: or even a desire effectively causing it, which is taken in an external work, according to itself and as it is apart from the thing; and therefore it belongs to the same species; hence its circumstances are always to be declared. See n. 15.) ©: 19. — « Resp. 2. If anyone shall exercise an action without cause and necessity, from which he understands carnal delectation to naturally arise (for example, through curiosity he reads or hears something turpitudinous), yet without direct intention and without risk of consent, he commits a venial sin; but if he have a just cause, he sins not at all.

Prac. l. 3. n. 482. 6. If political law.) © "You ask whether the will is positively bound to refrain from carnal delight?" Resp. 1. If the will, having fully adverted to it, negatively and permissively holds itself, so that it neither approves nor repels, provided that this does not occur from the complacency in its own delectation nor become a danger through further consent, it is probable that Cajetan teaches: not to commit mortal sin: first, because one does not consent to the delectation; secondly, because morally it is impossible to avoid all those movements; thirdly, because some of them can be permitted justly, even according to adversaries. « Resp. 3. In practice, however, it seems more truly to be as they teach in 2. t. 2. q. 5. c. 5., that without just cause to resist them is mortal: because the will is nearly always exposed to the danger of consent; and to believe otherwise is excessive confidence and presumption.

Moderate: Et si efficaciter animum ad alia divertere negligas, cum facile

possis et speres te tali modo posse depellere. See 1. t. 3. c. 6. n. 3. © (See what has been said above on this point in book 5. n. 7.) © ## DUBIUM III. ## DISTINCTION OF SINS. ## ARTICLE I. ## By what species are sins distinguished? 30. How do sins differ in species as regards their matter, and how they differ formally? — 31. From what eightfold root is derived the diversity of species? — 32. Whether sins are distinguished in species by opposition to virtues, or by the diversity of objects? — 33.

Whether are sins distinguished by species from different precepts? — 34. Can a sin, from a lighter object, exceed the gravity of a more serious species of sin? 30. — « Resp. Sins, so far as their material aspect or positive entity is concerned, are distinguished by species according to formal objects and varying circumstantial species, insofar as they have a reason in formal object; but formally they are proximately distinguished from opposite forms, or from rectitude of virtue which they deprive, remotely however, and fundamentally according to the objects. Thus Tan. d. 4. de pecc. d. 1. q. 2. The reason for the first part is because all acts are distinguished by species from objects; but with regard to materiality, sins distinguish those very acts themselves.

The reason for the second part is because privations are distinguished in species from the forms by which they are deprived, but formally peccata are privationes oppositarum rectitudinis. Ratio tertii partis, quia rectitudo virtutis specificatur proxime ex ob-jecto: ergo privatio rectitudinis ex eodem remotè. Unde resolves: peccata specie differunt, non tantum quae diversis virtutibus opponuntur, sed etiam quae eidem opponuntur extremis, ut pro-digitalis et avaritia: vel ratione diversae difformitatis, id est, quae adeo diversa ratione et malitia ejusdem virtutis materia attingunt, ut quantum est ex natura ejusdem peccati non sit eadem facilitas moraliter loquendo neque propensio utrumque peccatum committendi; qualia sunt homicidium, fur-tum, adulterium, detractio. They teach that the circumstances mentioned should be explained in confession, as those which change the species of sin. Here Quære. From how many roots is there derived a specific distinction of sins?

Resp. cum Bus. et sententia communiori, sumi ex duplici radice, namely I. From opposition to various virtues. II. From various and different deformity against the same virtue, as happens in perjury and violation of vow, or blasphemy; for although these sins are against the same virtue of Religion, they nevertheless have a distinct species. As regards this second root, the Doctors agree. 32. — But as regards the first, namely whether, in opposition to virtues, a great question arises between St. Thomas and Scotus, whether a proximate specific distinction is drawn from objects diversely sinned against or from different virtues by which sins are

opposed?

S. Th. 1. 2. q. 72. art. I. 20. c. 12. n. 1 et 2. et alii tenent proxime desumi ab objectis specie diversis. Reason given by St. Thomas in reply to the second objection «because» sin... does not have a species on the part of aversion, but on the part of conversion..., according as it is some sort of act. Scotus autem, sed contra Bonaventuram, tenet distinctio- nem specificam desumi à virtutibus, quibus opponuntur peccata; quia peccatum formaliter sumptum consistit in oppositione ad virtutem, qua privat. Both opinions are probable, and both truly coincide in one and the same thing, as those say well: Chapter 1, that although sins of commission are distinguished from opposite virtues, as he himself holds; but sins of omission are entirely distinguished by opposition to objects, or to acts in which they consist in privation; just as when it is said that to omit the sacred or fast is a species of sin against due obedience of the Church; because the sacred and fasting are objects differing in species. §3. — Finally, question 2: whether sins are distinguished by species from different precepts? They affirm. 1. 2. qu. 72. ar. 6. ad 2.

Cajet. Val. . Croix. 1. 4. n. 47. . c. 12. n. 5 et 6. ex communi, quod, si præcepta distinguantur tantùm ex parte Legislatorum (ut est in furto, quod prohibetur Lege Divina et Humana), minime inducunt distinctionem specificam peccatorum; quia diversitas Legislatorum non efficit præceptum esse formaliter diversum, sed tantùm materialiter. Otherwise, if precepts are distinguished according to the motive for prohibition, then diverse virtues are injured; for instance, if someone were to break the jejunium precept given by the Church, and to which he himself had vowed compliance; then he would wound temperance, from which the Church commands jejunium, and religion, from which God commands vows to be observed. To recognize when laws are established for diverse purposes, they say: Hence it is brought forth: I. Si quis occidit Sacerdotem, non solùm pecat contra justitiam, sed etiam contra Religionem, ex cujus motivo Ecclesia vetat Sacer- dotis læsionem.

It is inferred II. A priest who, being a beneficiary, omits the Divine Office commits one sin against Religion, but not against justice, if he wishes to restore the fruits of the Benefice; because for the same reason the Church commands the recitation to him who is a priest and a beneficiary, whom justice obliges only not to make use of the fruits thereof. Thus 12. n. 12. contra. n. 145. What. I. 34. — Is it asked here whether a sin, on account of its object being less grave, can exceed in gravity the gravity of a sin of a higher species by reason of circumstance? They deny but affirm more proba- bly, according to S. Th. 2–2, q. 10, a. 3 ad 1, where it is said: "Nothing prevents a sin that is graver in its own kind from being less grave

according to certain circumstances."

The Doctors follow this, namely, P. Concilium 1. 10., p. 524, n. 6; also Cajetan, c. 12., n. 22, and others commonly: for although a sin is gravely heavier in a regular sense when it opposes the perfection of virtue, as says S. Th. 1. 2., q. 73., art. 4, yet, since the gravity of a sin of a higher species is finite, even though it cannot be exceeded physically by the malice of a sin of a lower species, it can nevertheless be exceeded morally. Hence sodomy, and bestiality are graver sins than perjury, as taught by S. Th. 2. 2. q. 144. art. 3. cum. Autem aut circumstantiae tantum speciem aggravantes sunt confitendae, nimirum gradus incesti, quantitas furti, tempus durationis peccati? See what is to be said concerning number 457, point 6. ARTICLE II. What sins are distinguished by number. 38. See all that is said by Busemb. — 36. concerning this point.

From which roots is the numerical distinction derived? From the first Root, which is the Multiplicity of morally interrupted acts. — 37. And 1. How are internal Acts interrupted with regard to sins of the Heart? — 38. How are the internal acts interrupted concerning sins of the Mouth and Works? — 39.

How is a bad intention interrupted by a long time? — 40. What if nevertheless the will remains in some affection? — 41. II. How are the external acts interrupted or unified? — 42. Are all means apposite to sin to be explained? — 43.

What if someone from the beginning desired to touch, but later fornicated? — 44. What if someone a hundred times repeatedly steals gold by interpolation with the intention from the beginning to steal one hundred; and how many sacrileges will he commit who celebrates three Masses on the mortal day of the Nativity of the Lord? — 45. Of the second Root, which is the Diversity of total objects. — 46. Inferences of this Root. — 47. Q. 1.

How many sins does one commit by blaspheming the Apostles with the same act? — 48. Qu. 2. How many if someone detracts from or condemns another with various insults? — 49. Qu. 3. How many if someone detracts from someone in front of many? — 50.

Qu. 4. How if someone denies more articles of Faith? Qu. 5. How if someone wishes to attribute diverse evils to the enemy? Q. 6.

How many times if a confessor forgives more than one mortal sin? What if

a Priest ministers the Eucharist to many [people] more than once? What if the Priest casts the Breviary into the sea, foreseeing that he will be rendered unable to recite it? (On this see what is said 1. 4. n. 149.) « RESP. They are distinguished in two ways by number. 1. They are distinguished by different objects in a total number, not materially and physically only, but also formally and morally.

By interruption of moral acts. I say, moral; for although any interruption suffices physically to effect a numerical distinction, yet in relation to confession, they are not multiplied unless morally multiple, because acts that are congruous in confession should also be considered in terms of their moral multiplication and distinction. Moreover, the moral act is interrupted such that it is neither virtually nor interpretatively deemed to remain. By the opposite will and purpose. 2. By cessation from the voluntary act, and freedom. 3. Through involuntary cessation, and natural, whether it occur through sleep, or through distraction to other things.

By sleep, because in that it ceases the use of reason, the performance of free and moral action is not continued; but by distraction, because through that a prior thought becomes involuntary, hence if one returns to it, it becomes voluntary and morally multiplied. Thus Vasquez, etc. That opinion, although to be held concerning external sins, has no place in internal sins according to Fillastre, trans., I, c. 8, n. 317. The reason is that although through this interruption the physical act is multiplied, yet it is not morally so: because this very thing which the mind involuntarily distracts itself from remains prior to the interpretative will, since it has not been withdrawn or otherwise interrupted. V. and also Bald. d. 21. n. 3. ## Whereupon resolved: “1.” By one number of sin commits he who by one act of hatred or detraction offends two men, who by one act desires to omit the Hours for a month, and who fasts during Lent.

Because, although these objections are many physically, they are nevertheless one morally and formally, inasmuch as here and now they are conjoined in one act. Thus Naum. 3. q. 4. p. 1. contra Verum sive dicas peccata odisse, v.g. » I men, sive unum, parum refert, cum unum hoc illis decem aequivaleat; proindeque objecti gravitas in confessione exprimenda sit, quippe quae actum in suo esse individuali constituit, ut notant de Paen. d. 22. s. 3. « The internal act of will itself is interrupted and repeated; although physically it is multiple, yet morally it is one in number as a sin, with regard to confession, if it is consumed in some external work by intention and causation, or even in several subordinate external acts all directed toward the same end.

Hence, for example, he who steals from a library throughout the night,

although he frequently renews his will to steal, commits one theft; and he who goes with intent to kill another person frequently renews his will, commits one murder. The reason is because it is one external act, intended and caused by internals, in which all internals are fulfilled and morally united as one. V. Baldele. d. 21. n. 4. « 3. External actions, although distinct in number, are related to the same end and principal act in a manner that they do not morally distinguish themselves from that malice, yet they are not distinguished from the very end and principal act in confession.

Hence kisses, obscene touches, words, etc., the preceding carnal connection, and indeed also accompanying and subsequent ones, as complements and appendices to the work, are one number of sin, as n. 17 teaches. Article. Chapter 4. Question 6. "Glory is ascribed to formication: hence in confession they are to be explained separately, and not previously, as taught by [reference 4]." » Concerning Pasch., Dec. 22, Sect. 1, No. 26. — In order that they may more clearly understand all that have been said by Busemb. concerning the numerical distinction of sins, about which both the Doctors labor greatly and greatly dissent, it is to be prenoted from No. 14. Cam. 7. sic doceat. « Si quis dixerit in Sacramento Penitentiae necessarium non esse Jure Divino confiteri omnia et singula peccata mortalia, anathema sit. »

Hence it is to be seen, from which roots the numerical distinction of sins is derived? The response is that it is derived from two roots: first, from the multiplicity of acts morally interrupted; and in this all agree; second, from the diversity of total objects, although doubt arises from this root elsewhere, as we shall see below in n. 45. And speaking of the first root, a great doubt arises when the voluntary act is morally interrupted? And for greater clarity in distinguishing, internal interrupted acts are to be distinguished from external acts. 37. — And first, speaking of the first root... Regarding internal acts, it is furthermore necessary to distinguish sins of the heart from sins of the lips, so that there be as many sins as there are voluntary acts consenting to them.

Reason, because with regard to such acts neither one depends upon another, and therefore they cannot morally be continued. Thus commonly Suarez and Vasquez. Az. 20. c. 12. n. 32. . 2. de q. 2. P. at page 526, number 13; and at page 274, number 3, against Lugonem D. 16. Section 13. from number 566.

Canum, Meth. §. 6. n. 32. who say that these acts are not interrupted by sleep, distraction, etc., but only by contrary will: And to this opinion it seems that Busemb. with Fill. adhere in this passage. Moreover, at the end;

and he calls probable . c. (although . But they reject this opinion as false, c. n. 34. Wherefore the opinion of Lughon and Cane is not to be held even at least as doubtful probable. And therefore the penitent ought indeed to explain, if he can, how often in his will he consented; but if he cannot, because an evil disposition was protracted for a long time, then it suffices to admit the time when he persevered with such a disposition, as they say in 7. n. 2. with Vasquez.

However, justly they note I. Coninck et Lugo note, however, that (although it is licit. They note II. c. n. 48 with Lugo, and n. 5, that if several such acts proceed from the same impulse of concupiscence, they constitute one mortal sin, even though some brief interval intervenes between the acts. This is so far as internal acts concerning sins of the heart are concerned. As regards, however, the internal acts concerning sins of Word and Work, which are externally consummated, such as blasphemy, thefts, etc., these acts morally are interrupted. I. Cum Lugo, et quod si plures hujusmodi actus ex eodem impetu concupiscentiae procedant, unum peccatum mortale constituunt, etsi aliquod breve intervallum inter actus intercedat.

By retraction of the will. II. By free cessation, namely, if anyone voluntarily and freely ceases from an evil purpose; for then, if he again returns to a bad will, the new act will be morally distinct from the first, since it does not proceed from the first, and thus it will be a new sin. Whether, however, an evil intention is interrupted by common interruptions, such as sleep, distraction, consention, etc.? Lugo denies this in d. D. 16. n. 567., and adheres to n. 35 and 36, even if a great delay intervenes; but this opinion is against the common view, and rightly rejected, as Croix says I. 5. n. 178. On the contrary, it is probable that the opinion entirely opposed to that of Hanno be held; but it seems more probable to say with c. 12, n. 38, Art. 6, n. 6, in fin., that if a brief time intervene, the acts are not discontinued: Otherwise, if a long time intervenes.

What, however, is to be estimated as a long time, hence he who perseveres in a bad will beyond two or three days, must explain what such a time is, so that thereby the moral number of internal acts concerning external sins may be understood. However, it should be noted that an act of will, if it proceeds from the first will and morally remains in some effect which leads to the completion of an external sin, constitutes but one single sin, no matter how long the bad will endures. Here interposed I. namely, if anyone propose to kill a man, and for that reason prepare arms, seize the opportunity, and slay the enemy, he commits one sin, although he have sought him out over many days, and repeated his will several times. Thus commonly S. C. 12. n. 36. and S. Th. in II. Dissentio quadraginta secunda,

quaestio prima, articulus primus. Reason (as St. Thomas teaches), because all these acts "do not have the nature of sin except" insofar as they are ordered to a perverted end by one will.

Inter tur II. quod si quis statuit non restituere rem alienam et in eadem voluntate semper (adhuc per annum) maneat, unum peccatum committit: quia in illa retentione nunquam retractata virtualiter permanet prima voluntas, ut probabiliter dicunt 16. q. 2. Reply. I. Lugo de Penn. D. 10. n. 148. cum. Nao.

Gabr. et Tanner. . 13. cap. 1. n. 64. et tr. 20. c. 12. n. 37. cum P. Nao. et tr. 16. R. 25. with Malder. Arag. et Sayro (contra d. n. 37., qui tenet voluntatem interrumpi per somnum, distractionem, etc., quorum sententia probabilis est.) Imo Lugo dicit voluntatem non interrumpi, etiamsi retraetatio sed brevissima interfeurit voluntatis (vide dicta lib. 3. num. 683.). Merito tamen censet c. iu fine cum AA., ab ipsa citatis: quod si fur reddit impotens ad restituendum, et deinde factus potens data opportunitate non restituit, novum peccatum committit. Reason, because in that case the will to refrain from restoring is not sustained in effect during that period of temptation. 41. — II. Quoad autem actus externos peccatorum, tunc isti moraliter interrumpuntur, quando non subordinantur ad aliquem actum principalem completum, puta cum quis habet plures tactus sine intentione copulae, vel si pluries percutiat sine intentione occidendi; vel si pluries fueretur partes ex cumulo sine intentione totum cumulum auferendi; quia tunc quilibet actus habet suam completam malitiam.

Thus commonly all agree with p. 145. n. 681. On the contrary, external acts are united in two ways so that they constitute one sin. Firstly, if from the same impulse they proceed, for example, when someone strikes or touches dishonestly with the same impulse several times, blasphemes the same Saint or several Saints on different days, convicts or defames the same person in the same matter several times, then rightly as they say. 20. c. 12. n. 41. cum. et p. 529. num. 21. . 6. n. 6. cum 5. n. 179. Whether then one sin is committed by him who blasphemes against many Saints in one act; or he afflicts someone with contemptuous actions in different matters in one impetus; or the Confessor who successively absolves more than one from mortal sin? See below from note 47, question 1, numbers 2 and 6.

Secondo modo l'atto esterno si unisce moralmente, se vengono diretti alla consumazione dello stesso peccato, come abbiamo detto sopra riguardo agli atti interni verso lo stesso peccato esterno ripetuto, che procedono dalla prima volontà. Hence, si quis ad homicidium patrandi emit arma, viam carpi, quaerit hostem, et occidit; unum peccatum committit.

Tantummodo si quis ad copulam consummationem praemittit tactus et oscula et sermones, sufficit, ut confiteatur tantum copulam obtentam. Whether, however, the kisses that immediately precede the consummation should be explained? There are three opinions.

The first one absolutely affirms when. The second, however, denies according to Dicastri and Croix, lib. 5, n. 168, if such acts are understood as a complement of prior pleasure; but otherwise, if they are regarded as a new kind of pleasure. This indeed is probable; but no less probable is the third opinion of Busembai, as stated in 16:553. . . c. n. 6. and n. 45., according to which all these acts are said by common consent not to constitute a new sin if they follow immediately after coition and do not intend any new coition; because it is likely that they are used as a complement to the intended coition. However, it should be noted I that all means placed for the completion of sin must also be explained as distinct sins, if the sin is not completed subsequently, as Vica states in common consensus at ibid. n. 6. And this, not only if the aforementioned means TO THE SIN IN GENERAL are considered. DUB.

The holy ones by themselves are evil, as they are touched and spoken of; but even if they are indifferent, such as to take a path, to ascend to a house to know a woman; to prepare arms for murder, etc., he says very probablistically in n. 6. Reason, because then sin does not merely remain internally but is externalized in those actions which all become evil, since from the malice of a depraved end all are informed. 45. — Notable II., that if anyone having kisses, touches, etc. would have avoided from the beginning the union, but afterwards completed it through increased lust, it is not sufficient to confess only the union; for then each act must be explained as distinct sins, because in them there is committed any act with its own consummated malice. Thus it is conjoined with n. 160 and n. 45, that when one commits these two sins, namely, as stated in n. 44. — Also to be noted is what La Croix says in L. 5, n. 170, and P. Maxotta in tom. 1, de consc. c. 2, q. 4. It is to be noted that when one commits two sins in connection with the same matter, as mentioned above. By reason of the end, if anyone with the intention of stealing a hundred gold coins takes them away one hundred times morally interrupted, he then commits a hundred sins; because each act contains in itself completed malice: who also commits three sacrileges by celebrating three Masses on the Nativity of the Lord in mortal sin, because they are acts completed de se.

I have spoken of three sacrileges; yet this runs in their judgment (as those hold who say according to n. 435 and certain Neotericists), namely, that it is one sacrilege to celebrate in mortal sin, because although the actions of the celebrant are many, they nevertheless complete one sacrifice-ministry.

Sed verius dicendum saltem haec esse novem sacrilegia, cum celebrans in mortali in unaquaque Missa verius tria sacrilegia committat; et quamvis unum offerat Sacrificium, attamen ad illud offerendum phres actiones per se completé sacrilegas operatur, nimirum indigne consecrando, ministrando sibi indigno, et indigné sumendo: Secus dicendum, si post sumptionem sumat Particulas superfluas, quia haec ultima sump- tio pertinet ad unum Sacrificium. At the Cross l.c., when I said at least, for according to our Sentiment four sacrileges are committed by him who celebrates in mortality. See p. 6. n. 35. v. Hereupon 48. — When speaking however of the second root of numerical distinction, namely whether sins are multiplied by reason of the diversity of total objects, there is a famous question among the Doctors.

The first opinion denies this, and those who hold this view are found with Bus. at number 37 in section 3, part D, page 22, chapter 5, note 34. Lugo de Pon. D. 16. n. 135. . 1. tr. 3. c. 3. n. 2. a. 6. n. q. Anacl. 8. 81. n. 57. cum Nao. Meth. Conf. l. 2. c. 1. §. q. a. n. 59. item Bon.

Gob. l. 5 n: 150; they consider it probable that Vasquez defends this opinion; namely, that there cannot be more than one malice in number diverse, since in the same subject there cannot be more accidents distinct in number. They make use of another reason, Lugo, and . The second opinion is more common, which we follow and they hold on page 273, version. I say 2. Conc. tom. 10. p. 53i. n. 20.

Cross. 1. 5. n. 150. p. 142. n. 668. ac. . 20. c. 12. n. 61. cum. Reason. 1. Because, considering an act that regards many objects, in a species diverse manner, includes various kinds of sins to be explained in confession, so too does an act that regards many objects, in a number diverse manner, include various sins in a number diverse way. Reason 2. which more strongly proves it, is because the same act can not only include many malice in species diverse, but also in number diverse. This is evident from an example; for if a married person commits adultery with another married person, no one denies (as Lugo himself confesses in n. 241) that he commits two injustices: one because he violates the rights of his wife, and the other because he cooperates so that she may violate the rights of her husband. Therefore, since with the same one act many sins can be posited to exist, differing in number, against the same virtue.

Lugo refutes this by saying that then the conjugal bond is violated in one way when it tends towards justice by violating the wife's right; and in another way when it cooperates so that the other violates the husband's right, and thus two acts of injustice are committed. But this response does not stand, for the same virtue of justice obliges him in the same manner to

keep the faith of his wife and also not to cooperate, so that she not break the debt of faith owed to her husband. Neither does the reason of Suarium obstruct, namely that in the same subject there cannot be many accidents distinct in number. For this reason it is said to hold in physics; but not in morals; for in matters of morality it is permissible that a single act be physically one, yet morally speaking it can be multiple, when according to the judgment of the prudent one equitable act corresponds to many, having regard to objects totally diverse, as is evident from the example of the bond of marriage with respect to spouses, and this is taught by D. Tb. 2. 2. Doctor 42. question 1. article 1.

Nor does the reason of Lugo hinder this, namely that in the Confession we are bound to explain only the number of sins, and not the diverse malice of sin: for it is answered that if there be many malices in that act, then also there will be many sins; since different sins are not unless they proceed from different malice. Hence it follows that one who kills several men with a single blow or takes away much from them at once, commits sins differing in number, as Tournai says, volume 2, page 271. Collection 1. Concise volume 10, page 530, note 22. Bonac. de. Sac.

And likewise it must be said, if anyone intends to kill or disgrace the entire family, as Tournai holds in the first chapter, Concina number 28, and Ho&man at page 143, number 6y1; against Roncaglia at page 16, question 2. R. 2. et anacl. i. c. It does not hinder to say that a family is considered as one person, according to 1. 1. f. If a family is considered one person in fiction juris, nevertheless the killing or destruction thereof constitutes different sins because the right of each individual is violated, which persons of that family have distinctively for life or reputation. It would be said otherwise, if one were to judge rightly that he who injured goods which some City possesses in common, namely a Monastery or Chapter, would then not the right pertain to individuals in particular, but solely to the entire Community; hence, one single right is violated. II.

Qui unico actu optat ad plures feminas accedere, contra cum Lugo, vel pluries ad eamdem feminam, contra n. 5., tanto magis qui eadem nocte pluries eamdem feminam cognocit, ut cum aliis communiter, contra Zanardum, quaelibet enim fornicatio habet suum terminum completum. III. He who is robbed of many things, as also he who once scandalizes many, does rightly according to Tournely t. 3 p. 331 in princ. contra . 64. Lugo. V.

Who desires to perform by a single act what is canonical over several days, namely to omit Canonical Hours or fasting, according to Croix L. 5. n. 164. and (contrary to 5. n. 149. VI. Who by one act desires three persons to be

harmed, as Croix n. 158. with Decretals 47. — It is asked however: how many sins does one commit who blasphemes twelve Apostles by one act? Tournely 1. 2. p. 271. They [Coll. 3 and Concina t. 10 p. 529 n. 21] hold that twelve sins are committed, because each Apostle's honor is injured, and indeed probably; but it is not improbable what they understand in Anacl. p. 82 n. 58 and n. 40 with others, namely, that this one commits one sin, because since all blasphemies against Saints derive malice from one relation to God, morally speaking, a single injury through such blasphemy mediately is inflicted upon God. — It is asked whether he who detracts from someone in many matters or afflicts him by various contumelies commits different sins?

They deny it in note 41. Lugo de Pan. D. 16. n. 265. with Caj. Sa, n. 161., dicentes committere peccatum unum, quia licet tale detractiones aut contumeliae materialiter specie distinguantur, moraliter tamen una fama aut honor ledunt. But more probably they think that Tournely commits many sins, tom. 2. p. 283.

Concilium tom. 10. p. 529. n. 21. et Croix 1. c. cum Sylvio, per hoc enim quod aliquis esset diffamatus in uno crimine, non ideo est diffamatus in alio. Nor does it hinder that he who takes away several different things from someone commits one theft, for then his right to his goods is singly injured; but when someone is defamed in several matters, many of his rights are injured, and more just considerations are involved. BOOK. V. TREATISE.

OF SINS. CAP. I. ART. II. Fame has a relation to various virtues, whence many sins are committed. Nevertheless, it is advisable to take note thereof according to c. 4 n. 13 and Concina I c. at the end, that those who, being both effeminate and plebeian, while simultaneously quarreling with equal vehemence, commit various forms of insult, are counted as committing one single sin. Reason, because according to common estimation these do not injure reputation and honor, since on one side vices among such persons are not apprehended as grave, and on the other hearers do not give them any credit themselves, thinking rather that they arise from the impulse of anger than from mind and truth; and thus such quarrelers are most easily excused from a mortal sin, unless perchance they reproach some particular adversary with something. 49. — It is asked whether he who detracts from someone before many commits a mortal sin?

They affirm that Croizel, n. 162, and Holam, tom. 1, p. 143, n. 675, say because (as they state) he injures all the laws as many persons are involved in whom one is defamed. But they consider that one sin is committed, Conf. 1. 2. c. 9. §. 1. num. 2. Axor. to. 3. 1. 13. c. 5. dub. 1. et

5. tract. 4. Difference 19, number 3. The reason is that to detract in the presence of many is merely an aggravating circumstance, since the right to one's reputation belongs to everyone singly and not multiply; hence, when a sufficiently probable opinion is expressed according to what is said in Penitence 1:6 n. 467, that it is an obligation to explain aggravating circumstances in Confession, a similar probability exists in the case at hand for it not to be an obligation to explain the number of people before whom the detracting was done, but rather suffice it to say: I detracted in the presence of many. 80. — It is asked: How many sins does one commit who denies multiple articles of faith?

Borgia thinks many things in Croix 1. 5. n. 156, quia (ut ait) unusquisque articulus est distinctum objectum fidei. But they more truly deny it there. Diana, et Ooiedo. Reason, because the object of faith cannot be said to be multiple, since truly it is only one, namely the veracity of God revealing; hence, he who denies one article of faith is no less an infidel than he who denies all; and consequently, he who denies more articles of faith is no more an infidel than he who denies one. It is asked: 5. how many sins does he commit who desires different evils for his enemy, such as infamy, death, poverty, etc.? The first opinion, which Lugo holds in his treatise on this matter.

When. Val. Pr. D. 3. q. 5. p. ult. §. 1. n. 10. . p. tr. 7. R. 30. and 3. p. tr. 4.

R. 67. Moreover, Cajetan and see 1, 2, n. 30 in Confession, says that one commits a single species of sin, and also numerically, if evil is desired in the same impetus; because sins of hatred do not take a different species from a different evil desired, when all are desired under the aspect of evil, as contrary to the virtue of love; but there is no doubt that the species of evils must be explained if the desire be efficacious. The second opinion, which Palao holds and number 29 agrees with Soto on, because desire takes a species from the different good desired, as St. Thomas says in II-II, q. 76, a. 4, ad 2: "If he who curses desires evil of another's death, his desire does not differ from murder"; similarly if evil is desired generally, as when one says: 'Cursed be you'; evil may come to you. However, the third opinion, which Croix 1. 5. n. 159 holds and distinguishes, is sufficiently probable, and it says that one commits a sin of one species, in the case where those evils are apprehended under one genus of evil, namely as a medium ruin of an enemy desired; similarly, if the will is led to desire those diverse evils specifically considered. Syllable.

It is asked whether the Confessor commits more sacrileges when he successively absolves more persons in a state of mortal sin? They deny number 46. 6. number 6. Lugo idem titulus. D. 16. n. 558. when saying

that one sin is committed because formally one irreverence to God is imputed; those who steal many sacred vessels commit one sacrilege. But truly Concinia, tom. 10. p. 531. n. 27.

Tournely, p. 271. Collection 4 and Croix, loc. cit., together with others, teach that as many sacrileges are committed as absolutions are imparted, because each individual absolution is a separate Sacrament. The same is said about the Priest who successively ministers the Eucharist many times, Croix number 172 and others teach, because each communions are so many complete feasts with regard to those who receive. But probable is the opinion (who also considers this probable), that in this one act of administration there is committed one sin, and therefore one complete banquet. See 1. 6. n. 35.

». at the beginning. ## HEAD II. ## ON SPECIFIC PRAYERS, MORTAL AND VENIAL. ## DOUBT I. ## What is a mortal sin, and a venial sin. 81. What is mortal, and what is venial? — 82. In fourfold manner can sin be mortal? Noteworthy it is to be adverted upon for those who rashly condemn as mortal. 81. — « RRSP. 1. » It is mortal when by reason of sufficient gravity, it solves the debt of grace and friendship with God, and merits eternal punishment.

It is called mortal because it takes away the principle of spiritual life, namely habitual grace, and brings about the death of the soul. "Venial is that which, by its lightness, does not take away grace or the friendship with God, although it diminishes the fervor of charity and merits a temporal penalty." It is called venial because it does not endanger the principle of spiritual life, namely grace, but inflicts an easily curable ailment of the soul and readily procures forgiveness. 172 LIB. V. Quia salvo spiritualis vitæ principio, gratia tamen animae languorem infert, quem facile curare licet, et veniam consequi posse. TRACT. OF SINS.

CHAPTER I 82. — "Resp. 2." A mortal sin is twofold; one is such by its own genus, the other by an accident. Mortal sin in its own genus is that which per se corrupts charity towards God, or charity towards the person of one's neighbor, whether it be a body or soul, or rights or ourselves, gravely. Wherefore it is resolved: 1. Sins, committed against their own proper good, are for the most part venial in their genus: such as, for instance, useless and vain concupiscence, vain delight, prodigality, curiosity, superfluity of worship and clothing, trifles, idleness, excess in food, drink, sleep, laughter, use of conjugal intercourse, fear, sadness, appetite for money, praise, etc

Peccata contra virtutes theologicas sunt mortalia ex genere suo; quia nocent bono alicui interno Dei, v.g. veracitati, misericordiae, charitati. Item fere omnia quae fiunt contra Decalogum; quia quae committuntur contra tria prima praecepta nocent similiter Deitati scientiae omnipotentiae divinae ejusque honori externo vel interno; quae vero contra reliqua praecepta fiunt, nocent persona bono aut juri proximi. Those seven sins, which are called capital, are not all mortal in their own genus; because not all gravely offend God, or our neighbor, or ourselves. Resp. 3. It is said to be mortal by accident when some act, which is venial or indifferent in itself, becomes mortal by accident, of which see below. Well here it is to be noted what he says about sin. p. 15.

Reg. 1. in praxi, namque, quod ubi clarum non est aliquid esse peccatum mortale, non praecedat Confessarius in judicando aliquem transgressionem gravem esse et talis peccati reum suum poenitentem pronuntiare. "For it is very dangerous for confessors to condemn something as a grave fault in a case where certainty does not shine forth, as St. Thomas taught, saying: 'In every question concerning a moral fault, unless the truth be precisely known, dangerous determination is made.'" And the reason for this doctrine is adduced shortly thereafter, namely, because the error, by which it is believed that something non-mortal is mortal according to conscience, binds one to a mortal sin. Therefore says St. Anthony (p. 1. Unless there is an express authority from Sacred Scripture, or a canon, or an ecclesiastical determination, or evident reason, it is determined most perilously (as mortal sin)... For if it were determined that there is a mortal sin there where none exists by reason of conscience, he who acts thereby would commit mortal sin, because everything that is against conscience builds towards hell.

Hence observe into what danger they thrust themselves who, following a rigid doctrine, easily condemn men of sin mortale in those matters wherein grave malice is not evident by manifest reason; thus exposing them through such exposition to the peril of eternal damnation: and the same must be said of those who, through facile pronouncements, wound with sentences which do not appear openly as clearly condemnable. Consider what is said in 1. 1. n. 73. ## DUBIUM II. ## Concerning those causes by which a sin from its own genus becomes accidentally venial. 83. What are required for a sin to be mortal? — 84. From which causes can a venial sin become accidental mortal? And I. from imperfect attention. — 88.

II. From an imperfect consent. — 86. III. Ex paupertate materiae. — 87. See Resolutions. — 88.

What if someone had vowed to give three thousand aurii, and yet did not fulfill the vow for three times? 83. — « Resp. 1. » Three things are required for a mortal sin, » namely, if one is lacking, it becomes a venial sin, which in itself is mortal. 1. From the standpoint of understanding, full attention, and deliberation. Perfect consent of the will. 3. Severity of matter at least to the utmost extent.

The reason for the first and second part is that, considering human frailty, it does not seem fitting to punish a man with eternal torments without full consideration and consent, even though the gravity of the matter at least to the utmost extent. The reason for the third part is that where the matter is of little moment, there morally a small offense is most reckoned. 84. — "Resp. 2. A sin, by its nature mortal, can be venial in three respects, as is evident from the aforementioned statements. The first reason is that, from the standpoint of intellectual judgment, there does not exist a perfect awareness of malice or deliberation. The signs of imperfect deliberation are: 1. Si tenuiter, et quasi semidormiens apprehendisti esse malum. 2.

Si post, ubi melius consideras, judicas te non fuisse facturum, si ita apprehendisses. 3. If you have labored under a most vehement passion, apprehension, or distraction, to such an extent that you scarcely knew what you were doing, see what has been said at no. 4. — "The second cause is on the part of the will, if there be not perfect consent." As St. Thomas teaches in I, 2, q. 88, a. 6. » (See what has been said regarding consent, no. 5.) » The signs of imperfect consent are: 1. If so arranged were you, that although you could easily fulfill the sin, yet you did not carry it out.

If anyone doubts whether he has consented, especially if he is a timid man. 3. If anyone is accustomed to be so affected that he prefers to die rather than mortalistically sin expressly: because such a person does not easily consent. If anyone remembers having proceeded very timorously and hesitatingly. 5. If he was half-asleep, he did not fully "wake up." See moral theology, chapter 10.

Baldell. 1. 10. d. 8. 88. — "Tertia causa ex parte materiae, si hæc sit parvi momenti." When such is the case, it must be distinguished by a moral judgment of the prudent man, to whom the following rules will conform. 1. That material may be judged, it is not to be considered absolutely by itself alone, but also respectively with regard to the end intended; if it does not much contribute to this end, it is slight: but if it contributes much, it is grave, as Vasquez teaches in I. 2. d. 158. The rule is: A small matter does not excuse a reason for offense where the magnitude of the offense is not excused by its smallness, as happens with the infidel. V.

TREATISE. OF SINS. CHAP. II. One year, hatred of God, simony, perjury, fornication, and blasphemy.) 6 « 2. Circumstances must be considered, because often it happens that what is in itself a trivial matter becomes serious for the good of the commonwealth, to be avoided scandalously, etc., through careful consideration of circumstances.

Some part of a preceptful thing is grave, wherefore it must be considered both absolutely and in itself, and also in order to the whole. In transgressions repeatedly committed, if more matters of small gravity, whether in themselves or according to their effects proceeding therefrom, are morally conjuncted together, then a grave matter is made, because then all are morally reckoned as one. On the contrary, it is not considered a grave matter if small matters, neither in themselves nor according to their effects, are united among themselves. Whereupon the resolution: 87. — « 1. You commit a mortal sin in such a way that a grave matter is formed, if you often steal a little and do not restore it, according to what is said in the book. Number 533; likewise, if you omit several psalms from the same Office at intervals; if on the same day you frequently eat a little less during fasts, and frequently work a little more on the same feast day.

You do not commit a grave sin if you perform slight labors on various feasts; nor if daily during Lenten Quadragesima you eat but little: which is true, even though you had at the same time intended to do so; because, since these things morally do not unite with each other, they are individually small. See Saach. l. c. 3. He does not commit a mortal sin who violates his vow on divers days, if daily or on each day he performs a little prayer, or gives a small alms, provided it be an obligation imposed by the day: because, since the obligation of each day is extinguished daily, those matters do not continue. That which is true, even though it proposes always to omit it, because that purpose does not amount to a serious matter. Nay, on the contrary: because those materials, since they are independent of one another, do not unite.

» If however similar vows are not a burden affixed to the day, so much the less will that day be set as a term beyond which execution is not deferred, it will be a mortal sin, after having reached notable matter. 88. — « 4. It is probable that he who had vowed three or four hundred aurei to pious causes would not commit a mortal sin if he did not fulfill three, because although such a part considered in itself is notable, yet in comparison with the whole it does not seem to be estimated very much according to moral judgment. See. 1. t. 3. c. 5. ## DUBIUM III. ## In quibusmodis peccatum ex genere suo veniale vel indifferens transeat per accidens in mortale. 89. How a venial sin becomes mortal, 1. By reason of an added end. — 80.

II. Regarding the ultimate final end established. — 61. III. On the general nature of sin. DOUB.

III. 175 time. — 69. IV. On account of scandal. — 65. V. On a particular incident leading to mortal sin. — 64.

What is the state of one in the state of mortal sin who proposes to commit all venial sins? 89. — "In whatever manner it is commonly taught by the Reason of the Added End. 2." By reason of the ultimate end. 3. Reason of contempt. 4. Ratione scandali. 5. Ratione periculi.

Of each case I will speak briefly. Resp. 1. A venial sin passes into a mortal one on account of the end added, as when someone lightly lies to extort a sexual embrace: because, since the end of mortality is loved, it is itself mortal. » Yet it is not necessary to express that lie in confession, but only the desire for fornication; because the malice of a mortal end remains venial. 60. — « Resp. 2. It likewise passes over into mortal sin on account of an excessive affection for some thing: as if, for example, you were to set the ultimate end in it. To which purpose it is insufficient to be very strongly and vehemently drawn towards the object; but it is required that you virtually esteem that affection, at least in a certain way, so as to be prepared to transgress the precept obligatorily under mortal sin, because if someone were thus inordinately affected towards stories, play, or person, so as to omit the sacred on account of festal occasions, etc., which one omits for such causes, it suffices that he confesses having omitted them. But if anyone is prepared by love for play to commit any kind of mortal sin, this would be a sin of temerity and indeed the greatest, but without any species. 20. c. 12. since . this affection should not only be habitual but also actual so that sin may be contracted, because it is not imputed to guilt merely for what one is prepared to commit habitually. 61. — « Resp. 3. A venial sin becomes mortal on account of absolute and formal contempt. By absolute and formal contempt I mean that the precept is violated in such a way formally and absolutely because one subjects oneself or a superior to something contrary to it, which is a consummation of pride; or when one does not wish to obey the precept because it is a precept, and this constitutes a formal disobedience, both of which gravely conflict with due charity towards the superior.

Therefore, it is another thing to contemn the law or the Legislator, even human law, not so much for what kind of person he is, but as being the Legislator, which is mortal; and it is another thing to contemn the thing commanded by precept, which is venial, if the matter be that of the law. n.

18. See the aforementioned text, book 4, number 161. » v. Fourth.) » ## From which resolve: « 1. It is not mortal, if you wish indeed to obey and subject yourself entirely; yet this very thing, and now in a minor matter; or if you admit the authority of the lawgiver or the permissibility of the precept; still the execution thereof entirely otherwise.

V. TREATISE. OF SINS. CHAP. II. Contempt, hatred of God, simony, perjury, fornication, and blasphemy.

Circumstances must be considered, because often it happens that a thing in itself light becomes serious for the common good when careful circumstances are taken into account, to be avoided and guarded against, etc. 3. Some part of a preceptful thing is grave, [therefore] it must be considered both absolutely and in itself, and also according to its order with regard to the whole. In transgressions repeatedly committed, if more minor matters, either in themselves or in their effects proceeding therefrom, are morally conjoined, then the matter becomes grave, because then all are morally regarded as one. On the contrary, it is not considered a grave matter if small matters, neither in themselves nor in their effects, unite among themselves. Whereupon resolves: 17. — « 1. You commit a mortal sin in such a way that it becomes grave matter, if you often steal a little and do not restore it, according to what is said in the book. 3.

Number 533; moreover, if you omit several psalms from the same Office intermittently; if on the same day you frequently fast and eat but little, or frequently work a little on the same feast-day. You do not commit a grave sin if you labor moderately on various feasts; nor if daily during Lent you eat sparingly: which is true, even though you might have had the intention to act thus simultaneously; because, since these things morally do not unite with each other, they are individually small. See c. 3. He does not commit a mortal sin who on different days violates his vow, if daily, or on each day, he prays a little or gives a small alms, provided it be an obligation imposed by the day: because, since the obligation of each day is extinguished daily, those matters do not continue. That which is true, even though it proposes always to omit it, because that purpose does not amount to a serious matter.

But, on the contrary: because those matters, since they are independent by themselves, do not unite. » If however similar vows are not a burden affixed to the day, merely until that day is set as a term beyond which execution shall not be delayed, it will be a mortal sin after having reached notable matter. 18. — « 4. It is probable that he who had offered three or four hundred gold coins to pious causes would not commit a mortal sin if he did not fulfill three, because although such a portion considered in

itself is notable, yet in comparison with the whole it does not seem to be very estimable according to moral judgment. See. 1. t. 3. c. 5. ## DUBIUM III. In quibusmodis peccatum ex genere suo veniale vel indifferens transeat per accidens in mortale. 89.

How a venial sin becomes mortal, 1. By reason of an added end. — 80. II. Regarding the ultimate end established. — 84. III.

On the general nature of sin. DOUB. III. 175 temptam. — 69. IV. On account of scandal. — 65.

V. On the danger of falling into mortal sin. — 64. What is the state in the case of a mortal sin, which proposes to commit all venial sins? 59. — "In whatever way it is commonly taught by the Reason of the Added End. 2." By reason of the ultimate end. 3. Reason of contempt. 4.

Ratione scandali. 5. Ratione periculi. Of each one, I will speak briefly. Resp. 1. A venial sin passes into a mortal sin on account of the end added, as when someone lightly lies to be led to carnal copulation: because, since the end of a mortal sin is loved, it is itself mortal. » Yet it is not necessary to express that » lie in confession, but only the desire for fornication; because the seclusion of a mortal final end remains venial. 60. — « Resp. 2. It likewise passes over into mortal sin on account of excessive affections towards some thing: as if, for example, you were to set the ultimate end therein.

To which suffices it not to be very strongly and vehemently drawn to the object; but it is required that virtually he apprehend that good, so that he may be prepared to transgress a precept obliging under mortal sin, if thereby he were so inordinately affected as to omit the sacred feast on account of games, sport, or person, rather than to be deprived of them. He who omits the sacred feast for the sake of games is sufficient only when the omission is completed; but if one is prepared by love for games to commit any kind of mortal sin, it would be a sin of temerity and indeed the gravest, but without any species. I must consider this affection not merely habitual, but actual, so that a sin may be contracted, because it is not imputed to guilt unless one is ready to commit what is forbidden not only habitually but actually. A venial sin becomes mortal on account of absolute and formal contempt. By absolute and formal contempt I mean that the precept is violated in such a way as to be formally and absolutely transgressed either because one subjects oneself or a superior to something unworthy, which constitutes the consummation of pride; or when one does not wish to obey the precept because it is a precept, thereby committing

formal disobedience, both of which gravely conflict with due charity towards superiors. It is therefore something different to contemn the law or the Legislator, even human law, not such a person but as the Lawgiver, which is mortal; and it is something different to contemn the thing commanded, which is venial, if the matter be light. n. 18. See the aforementioned text, book 4, note 161. » v.

Fourth.) » From which resolved: « 1. It is not mortal, if you wish indeed to obey and submit absolutely; yet this alone, and now in a minor matter; or if you admit the authority of the lawgiver or the one giving the commandment, nevertheless, you despise its execution here and now. The reason is because it is not a contemptuous act absolutely and simply, but only in a certain respect. If precisely from indignation, malice, perverted custom, or some other cause a precept is violated, and not from contempt for the superior's authority, it is not mortal, because it is not contempt of the formal authority, but only interpretative. It is mortal to do or omit something out of contempt for the just law of man.

Likewise, it is a mortal sin to omit or do something out of contempt for God who commands, or even for one consulting (for thereby it contains a tacit blasphemy, as though God were commanding useless things, or consulting); and likewise to omit or do something out of contempt for the Prelate, so that thus he who has authority from God is contemned, although not inasmuch as he is such an ignorant, imprudent, imperfect man; because this is not absolutely and simply to despise later on, but only in a certain respect. See. Mor. 5. 2. q. 3. p. 5. 62. – "Resp. 4. Peccatum vel opus indifferens habens speciem mali transit per accidens in mortale, si ruina per illud proximo causanda sit mortalis. The reason is because something seriously contrary to charity is added to such an act. See what has been said about scandal, and Phil. 1. 21. c. 6. q. 10. n. 252. 63. — Resp. 5.

Venial, vel opus indifferens transit in mortale, ratione periculi incidendi in mortale, quando quis sine sufficienti cautela, aut necessitate aliquid facit, per quod veniat in mortale, ac proximum periculum peccandi mortaliter, quia talis salutem animae contemnit, cum tam probabili ejus periculo temerè se exponat. Wherefore in confession it must be explained the species of the sin whose danger he objects to, because he has committed a sin of the same kind. The proximate danger is deemed that which frequently leads men of similar condition to fall into mortal sin. Here is questioned whether one commits a mortal sin by exposing oneself to a risk of committing a mortal sin merely probably? The first opinion denies this with Sporer de Pæn. cap. 2. n. 324. et 5. n. 357.

Because (as they say), since it is even probable in that case that there does not exist a danger of sinning, he does not act rashly who yields to such an occasion; for where there is no certain danger, there cannot be a certain obligation to avoid what is there. But altogether to be held the opposite with Busemb. as above mentioned, who is followed by Croix, loc. cit. with Card. Eliz. et alis. The reason for convincing is this: if it is illicit to make use of a probable opinion without just cause and with danger of harm to another's spiritual or temporal welfare, as is certain according to all with Bus. 1. 1. num. 20. at the end v. I have spoken; how much less will this be permitted where there is a danger to one's own soul?

It does not prevent one from saying that where there is a probable danger, it is also probable that there is no danger: for it is replied that although the sin may be uncertain whether it should be committed or not, yet the certainty of the danger of sinning is nonetheless established. We have said, without just cause: for where a just cause is present, there is no such obligation to avoid the danger of sinning, unless the lapse into sin be morally certain. See what is said at l 2. n. 26. v. At the same time. And thus are surgeons excused if they expose themselves to danger in healing women, since on several occasions in the past they have already fallen into such temptation; so too are parish priests excused who have experienced the same misfortune in hearing confessions; and similarly are others excused who cannot abandon their own duties, such as a curate, soldier, innkeeper, or merchant, without great detriment.

Thus c. 2. n. 47. cum 102. . tit. c. 4. qu. 3. Sporer cod. tit. n. 326. and elsewhere similarly. Reason, because at that time the proximate danger becomes remote both by reason of the circumstances of necessity and by reason of the means simultaneously precautionary, which a person is bound to propose (namely, diligently turning away the mind from base delight or any other passion), and furthermore by fortifying oneself with pious thoughts, prayers, and frequent reception of Sacraments. Those means, although they do not suffice to excuse where there is no just cause, are nevertheless provided by God for him who does not desert an occasion that he has not abandoned out of just cause; and so, in that case, he remains in that occasion not from any affection towards sin but from some necessity. But it is to be said concerning simple confessors who have fallen into confession multiple times, because these are bound to abstain from such practice if they can do so without grave detriment to their reputation or faculties according to the aforementioned law 3, n. 438 and n. 483.

What. What, however, if someone has always or very nearly always fallen in those occasions, and hope does not shine for amendment? See what was said in codex no. 438, where we stated that this person is bound to shun

any occasion of such jacture and to make his soul safe. See also said in volume 6, number 453, section 64 — Whether one who is in the state of mortal sin, which has as its purpose the commissioning of all venial sins, be so? See what is said in lib. 4, n. 12, vers.

It is asked, moreover. ## CAPUT III. ## DP. CAPITAL SINS IN SPECIES. ## DOUBT I. ## What is Pride, and what kind of sin it is. 68. — « Resp. 1. » Superbia est appetitus inordinatus propriae excellentiae; mortalis ex genere suo, si sit consummata et perfecta, id est, si quis ita excellere appetat, ut Deo, superioribus, eorumque legibus subjici nolit. However, it is imperfect when one magnifies oneself in one's own regard without refusing to submit to what one ought, and this is only a venial sin as Superbia teaches: because exceeding in justice without despising God and others is not a grave inordinate appetite; yet it would be grave if done with notable contempt of others, deriving pleasure from their degradation. 66. — « Resp a Filim superbia sunt tres. a. It is presumption « which is an appetite for magnifying something beyond measure. »

It is commonly exceeded merely; yet it becomes mortal if damage be done to God or to another: e.g., if one exceeds in ecclesiastical jurisdiction, sacred Order's power: likewise in the office of a Physician, Advocate, Confessor, etc., beyond due skill. 3. c. a. d. 3. n. 18. and above. 4. 4. c. 3. duh. 9. 2. Ambition is an inordinate appetite for dignity and honor that is not due or greater than what is due: as when one seeks both a Benefice or Office to which one is unworthy, or obtains them illicitly and through envy; e.g., by simony. It is a venial sin by its very nature: but it becomes a mortal sin either through the matter from which honor is sought, or through the means by which it is sought, or through the damage inflicted upon the proximate. Finally, si moderate honor appetatur ob honestum finem, erit actus magnanimitatis, ut docet 3.

Vana gloria est, scilicet cupiditas inanis gloriae, cujus finis est manifestatio inordinata propriae excellentiae, aut verae, sive fictae. It is called vain when one seeks glory from a bad thing, a false or fictitious thing, or from what is not worthy of glory, or not so great as it appears to be through trifles, or by those who do not judge matters well, or without a proper end. It is a venial sin by itself, often a mortal sin accidentally, as has been said about ambition. Nay, as the said Sib. rightly teach against the Anglo-Lombards, it is venial sin merely to seek sacred things for the sake of vain glory: e.g., to convene. But there is a twofold sinning through vain glory, according to St. Thomas.

I. 2. qu. 13. I. Directly, and this either through words or otherwise, it is said: "which lies prostrate, which is venial by its very nature; if it concerns

goods, for example, v.g. Through fasting, prayer, etc., even by accident frequently on account of damage, if it be false, let it become mortal, as also in I. if anything say against the glory of God, as in Ezech. 28. I am God. 2.

If he burst forth in contumelious words, for example. I am not, so that I may be congruent with the rest of men, having been deceived, etc., as this one. 3. From the end of evil. 4. If with notable harm to the neighbor. 5.

If there is a matter of mortal evil; because the approval of the work has the same appearance as that: which therefore ought to be confessed in confession, at least when it was joined with complacency in the same thing through pride. What I add is because if it were without that, Nao. fr. 4. R. 161. they teach against, etc., that it is not necessarily explained. (See Card.) Lug. d. 16. 267. Or by deeds, which if they are true and have something of admiration, it is called the invention of novelties: for this is what the common people usually admire, such as through foreign clothes, opinions, etc.; mortal, if he notably corrupts youth or manners: but if the deeds are false, it is hypocrisy: e.g., if someone does something good so that he may appear good, although he is not; which in itself is venial unless there is with it injury, or contempt of God and of one's neighbor.

II. By indices, in how much one does not wish another to be lesser. That is multiplied fourfold. I. By intellect, and it is Pertinacity, whereby one tenaciously adheres to be of science: which is mortal if it opposes the truth of great moment: or if there be custom with danger to a third: 7. 6. if a physician remains in his opinion with danger to the sick man.

By intellect, and it is Pertinacity, whereby one tenaciously adheres to being of science: which is mortal if the truth of great moment be opposed: or if there be custom with danger to a third: 2. if the physician remain in his opinion with danger to the patient. By will, and it is Discordia, whereby one sins mortally when it pertains to a good of God or of one's neighbor, in which there ought to be concord. 3. By words, and is Contention, which is mortal, when in mind there is a contradiction to arguing regarding truth that pertains to faith, or at least to soul, or body. 4. By deeds, when one does not wish to fulfill what he ought, and this is disobedience. » See.

Balduinus. 67. — « Response 3. He responds to his three supercilious daughters with pusillanimity, which is that vice by which one, being excessively distrustful of himself, rejects honors, glory, or office, whereby he ought to be dignified. It is venial according to its own kind; and it

becomes mortal if detected, to which you are subject under a mortal penalty. See. 3. c. 2. n. 28. 3. sect. 5. ## Hence resolved: « 1. Hearing praise of another, or his own, concerning a matter deserving mortal blame, he commits mortal sin if he approves, receives, or admires the praise as worthy of commendation.

Saint. Balduinus de 20. n. 3. « 2. Blaming another for a vengeance not deserved, or some other grave evil, namely a mortal sin, such as fornication, which is a species of boastfulness; and this is with the approval of the sin, and an occasion for committing it. In the same place. » 3.

Inducing new habits into the city, and foreseeing that by his own example he will impose a moral necessity upon others, such as to exceed their means in expenses, and subsequently be unable to support those whom they owe sustenance, or not satisfy creditors, he sins gravely. Baldell. L. c. " 4. To adorn oneself excessively out of lightness or vanity, merely by itself is a venial sin. Ibid. « 5.

Bald. 1. c. says that to simulate sanctity with the will not to possess it is mortal. To simulate wickedness is a sin (because it is mendacity, and indeed scandalous, and can be mortal). Nor did the saints do this, unless by doing what in itself is indifferent and permitting others to accept it as a sign of wickedness, although neither from their nature nor from their intention was such a thing. ## DUBIUM II. ## What is Avarice? CIL. What is Avaritia? — 68. What are those avarice? — 79.

When and how will those who open and read foreign letters sin? — "Resp. 1." The temporal appetite is disordered: From this, and from the rule previously given regarding mortal sin, the following cause is resolved. « 1. It itself comes from its own genus: "Come to Me." « 2. When however he expressed it in such a way that you should not doubt to transgress the divine laws on account of its cause, it becomes mortal. 1.8o I. IB.

V. TREATISE. OF SINS. CHAP. III. 1 « 3. Prodigality, which is opposed to avarice and consists in deficiency in conserving and excess in expending, is venial by its very nature: less grave than avarice, because it departs less from the virtue of liberality.

Meanwhile, it becomes mortal if you cause poverty to your children and wife; if you reduce yourself to poverty to settle debts; if you squander ecclesiastical goods, which are subject to pious causes. See. 2. c. 47. d. 8. Resp. 2. The daughters of Avarice are following. 69. — « 1. Obduracy of

heart (contrary to mercy) toward the needy and the poor, not by sympathizing with them, but reproaching them, rigorously demanding their debts, when the creditor is not paying, etc., this can sometimes be a mortal sin, when the precept of almsgiving or charity presses, yet such harshness does not suffice. . 8. c. 26. See what has been said about charity toward the neighbor. 2.

Inquietudo cordis, hoc est, vehemens et inordinata applicatio mentis ad acquirendas vel conservandas divitias, cum inanissimo et vanissimo timore, ne non acquirantur vel perdantur. It is mortal when it withdraws from spiritual things or others to which we are gravely obliged by precept (e.g., attendance at Mass), or when it introduces superfluous fear, and hence causes distrust toward God. It is venial if it be concerning a good matter, but at an improper time or place, for example, family matters, Mass, vintage, when one is in the temple, or when one ought to be attending to God. Saint Thomas Aquinas, Second Part of the Second Section, Question 55, Article 6. Reg.

I. 23. c. 2. Question 3. Escob. " 3. Violence is mortal when it is unjust and regards a grave matter. 4. Violence is mortal when it is unjust and regards a grave matter.

Fallacy, or deceit in words, can be mortal on account of the end, or means. Fraud, sive dolus in facto, est mortalis ex genere suo, » and occurs multiple times in contracts, whether on account of the matter (e.g., if it has this defect or not, as it is considered) or on account of the price. . 8. c. 47. Escob. « 6. Trahison, quae est deceptio contra fidem datam aut debitam in damnum aliquid, est mortalis ex genere suo. It proceeds, for the most part, in three ways. 1.

Concerning persons, in what manner Judas Christum, and Delilah Samsonem tradidit. Regarding things, whether immobile (as if a soldier were to manifest the manner of taking an stronghold to the enemy), or mobile, as if you were to show hidden money, clothing, etc., to a robber. Regarding a secret, whether committed to oneself (revealing which is against fidelity and justice, if indeed a promise was made: because it is an onerous pact, as the Card teaches). » from Lugo, lib. 14, n. 139: and indeed mortal, if you can foresee it, henceforth to follow notable harm or discord to others: otherwise venial, by opening and reading alien letters. Which, finally, if done for this reason, that you may know the secrets of another, is curiosity: and if it be in a grave matter, per se it is mortal sin; which, because commonly before the opening not being known, commonly is held to be mortal sin, teach 7. cap. 45.

Bald. I. 3. d. 11. 6. of penance. Mol. . 3. t. 3. p. 1. c. 4. (who adds him who opens and reads alien letters deceitfully with injury to another, or with damage, to commit a crime of falsity.) I said that it is in itself mortal, because by chance it can be venial, or null, if it be made legitimate by rightful authority, just cause. ## Whereupon resolves: 70. — « 1. To open and read alien letters is often not a sin, if you probabilistically know that they are in your unjust damage or injury, which you intend to avert: because it can be for your consultation.

Thus, the Prince can open letters not only of enemies, but also of others, which come from neighboring enemy territories during times of war. Item ministri publici quoties bono publico necessarium esse judicant Regin. 1. 24. n. 60. Scourge. Card. de Lugo d. 14. n. 148. " (And this proceeds not only for princes and ministers, but also for private individuals; as Lugo says, d. n. 148."

» q. 5. Reply 2. when 3. n. 970. at the end.) « 2. Commonly, however, a sin is not considered such if the consent of him to whom they are addressed or sent is presumed (and neither does a special law forbid it, according to C. de Lug). L. c.), vel tacitus saltem: ut si facias sub rationabili confidenciam, habitum irrationabiliter iri.

Thus Escob. ex. c. 3. The superior religious figure lawfully opens and reads the letters of his subordinates (provided that they are not sent to a superior who is greater or such as those whom the statutes exempt, nor from him), whether by virtue of the rule of religion or custom, or by suspicion probable, that some evil continues. See Peyrin. de q. 2. c. 1. t. 6. R. 55. "4." Nec est peccatum, si necesse sit vel expediat ad injuriam alteri imminentem advertendam: dummodo non plus legatur quam ad eum finem necesse est.

C. de Lugo, loc. cit., "5." Quis apertur et legens putet non continentur rem magno momenti venialiter tantum peccat. Cardinal de, Lug. l. c. » Thus commonly the Doctors with Lug. Doctor 14. number 148. question 5. Reply 2.

He says however n. 5. with Mol. We readily admit that this can be a mortal sin, but not one contrary to justice, as it seems Bon. thinks, because the gravity of the injury should be derived from itself, that is, from its matter, which by itself is apt according to common estimation of men to bring about a serious sorrow, as Croix says in lib. 3, p. 2, n. 2; with the common [opinion], but against charity, on account of the grave sorrow

which even a slight injury causes another person. « 6. Si litteras ab alio dilaceratas et in publicum à domina abjectas recolligas et junctis partibus legas ex sola curiositate, peccatum veniale est: nullum autem (per se) si, ut ex illa notitia tibi provideas; quia quod pro derelicto habetur, iu usum suum convertere licet. Balduinus ex sancto Antonino et Roscelino. Syllable.

v. Purchase, q. 17., art. 3., sec. 5., t. 3., p. 1., c. 4., n. 4. Translation: » tr. 6. Reply 55. (Ita etiam Lugo, D. 14., n. 150. et . q. 5.

R. 11. etiamsi Dominus in minutas partes lacerasset, quia tunc videtur cessisse iure suo. But more reasonably contradicts Croix, l. 3. p. 2. n. 1236. with Reb. et Petsch. Reason, because this very thing which He minutely rent asunder, He thereby indicated a nolle ut legantur et ideonohuit cedere suo juri: yet rightly notes that such a thing should be held not to be manifestly cherished out of charity by those who contain it in secret, if any damage whatever can thereby result: but rather (he adds) he who reveals such a secret (which he himself justly acquired through the movement thereof) will sin against justice, if he understands and perceives that hearers using such knowledge to their injury will be unjustly damaged. See c. "I have said 1. from the Lord: because if you cast them away either by another (Lord unaware) or by yourself in an accidental loss, it is not permissible to read. " I have said 2. into a public place: because if you cast them into fire, or into lime, for example, so that they may be burned, you sin if you take them out and read." See Card. de Lugo, d. 15, n. 150: "I said 3. per se; because it can happen that they contain what is pernicious to read."

He who reads secretly written another's secrets against his will, sins. And indeed it is a sin of curiosity; even though it be done with an intention to learn and without suspicion of harm. Injustices, quia quisque habet jus secreti in suis scriptis, quæ aliis non vult esse communita. d. 36. n. 2. Reg. l. 24. c. 6. n. 119. » it may sometimes be mortal, if indeed it is done with notable damage; or if another very much desires that it remain secret, it would be gravely culpable to divulge it.

Balduinus de capite XI. See also Cardinal of Lucca, loc. cit., chap. « 8. » Whoever violates another's secret without just cause with damage to the other; or whoever unjustly opens another's letters, from which damage follows for the other, is bound to restitution. Bonaventurae, distinctorum, de rectitudine. Question 1. Article 1. Response 1.

Trud. l. 7. c. 10. d. 32. ## DUBIUM III. ## What is Luxury? 71. — « RSP. 1. It is an inordinate appetite for carnal pleasures, whose use, being

instituted according to its nature for the conservation of the human race, which is a great good both for men and externally for God; therefore he who abuses it offends God and injures men. It is mortal from its own nature. See above in book 3, treatise 4, chapter 2, and book 5, chapter 1, section 2, "Resp 2."

Daughters of Luxury, which usually follow it, are eight in number: four on the part of the intellects, and four on the part of the wills. 1. Blindness of the mind, when one is so addicted to turpitude that he does not think about celestial things. Forethought, whereby one is brought about without counsel from the same cause. « 3. Inconsideratio, quando modo delinquit, inconsiderat "gens, quae statum vel personam delectent." « 4. Inconstancy, quando ex eodem affectu voluptatum ab uno, qui propositis pius fuerit, deficit mori. « 5.

Love is inconsiderate, for such a man, seeking his own pleasures as an end, makes the purpose of his actions human, not divine. Hatred of God, for he usually shuns divine things from them, rather from Himself, as the avenger of sins. Affection of this present world; for love of carnal pleasures so affects the soul, that it would even be prepared to renounce eternal beatitude if the enjoyment of the present were continually pernicious. Horror futuri saeculi; quando voluptatibus immersus mortem inordinati tineret, et de ea nolens cogitare, vitam illicitis medias propagare studet, etc. Priores quatuor sunt mortales, quando finis ultimus in creatura ponitur, vel praeceptum aliquod Dei graviter obligans praetermittitur; posteriores quatuor, si plenus sit voluntatis ostensus, per se sunt mortales; ex indeliberatione, vel alia actuum imperfectione saepe veniales. See.

Escob. ut Bald. B. cc. ## Doubt IV. ## What Envy says. 72. — “ Rrsp. There is sadness from another's good, insofar as it is said there "diminution is proper to excellence," so that this directly be against clarity; for this rejoices in the good of one's neighbor; which in envy one wishes destroyed or not destroyed one grieves. When you dispute about this sin, observe Propas. 13. 14. 15. among those condemned by Innoc. XI.

Whereupon resolved: "1." It is by its very nature mortal and indeed most grave, and in the Holy Spirit, if it concerns the very grace or the aid of God. 2. Est ex genere suo mortalis, et gravissima quidem, atque in Spirituum sanctum, si sit de ipsa gratia, vel auxilio Dei. Likewise daughters are mortal in their own nature, and these are numbered: 1. Hatred, of which see above. 2.

Detractio, de qua in Praelectione. 8. 3. Joy in the miseries of one's

neighbor. 4. Susurratio, quae est oblo-cutio mala de proximo ad tollendam amicitiam ipsius cum aliis: quam proinde susurro restituere tenetur, et iterum reconciliare non secus ac detractor famam. See in preceding 8.

Can any ancitra dissolve the infamation of friendship by narrating the natural defects or similar ones of another, so that he himself may succeed in place of the expelled one? They deny. No. 22. But they affirm [it], with Soto and Bonaventure. Arag. Serra, Prado; For it is permissible to seek for oneself a free gift from another without violence or fraud, provided that another is excluded.

The first opinion is more probable, since 2. c. 11. dub. 3. n. 14. and even n. 45. with P. and : When therefore such a kind of propagation in itself is unjust, it fraudulently exploits another from the friendship acquired. « 3. If sadness be concerning a good of another's, insofar as from it thou or others fearest hurt, for example, if thine enemy hath been promoted to office that he may more easily injure thee, this is not envy but fear, which per se is not a sin unless it be disordered. . 3. tr. 3. c. 10.. « 4. If sadness arise from the fact that what is lacking to us as a good which another possesses, in such a way that we do not despise it for him, it is not envy but emulation or zeal; and if this be concerning an honest good, it is commendable; but if concerning temporal things at times it is venial, as when the good of one who suffers is proportionate to what it would have been had a rustic mourned himself for not being a king. Chapter 10, note 2. If sadness arises from the good possessed by another, insofar as he is undeserving, it is not envy but indignation; which is not a sin; yet it will be mortal, and indeed blasphemous, if it argues against God's providence (which is blasphemy), or if it affects one so as to lead men to the imitation of evil.

Cajet. . c. 6. If thou art grieved because another, who is equal to thee or not much inferior in excellence, shall increase so as to become superior to thee, and shalt grasp at his advancement as thine own, thereby considering it evil for thyself, this is properly called envy: for the envious man is said to be such because he is not seeing what another possesses without sorrow, since he cannot see another's good without sorrow. Bal. d. 29. L. 3. Thus they commonly sin: I.

Ambitious ones, and those who from some matter have taken glory, when they place it in that thing, so that in it they are alone and singular, grieve and are troubled if others come to it. Small-minded people, to whom all things seem great, think that any good of another's diminishes their own; thus women, for example, easily become aware and grieve at being surpassed in some good, such as beauty. Senes respectu juvenum, et quicumque aliquid difficuler obtinuerunt, quod alii facile consequuntur.

Balduin. loc. cit. « 7. He who in his adversities, or because of another's prosperity, wishes that he had never been born, or that he was made a brute animal, or that the day on which he was born was accursed, or the first day on which he saw another, or took a wife, if only he intends to curse irrationally any created thing, for example, the day (whether it be of birth or of marriage), which has brought forth so many evils of guilt or punishment, seems to have incurred only venial sin (sometimes even no sin at all, as in Job); but if he deliberately wishes evil upon a man, whether himself or another, on that very day on which he was born or married, it is mortal.

V. DOUBT. OF THE GUT. ARTICLE I. What is Gluttony. 73. — "Resp." That is an inordinate appetite for food and drink, opposed to abstinence, and it is committed in five ways.

If you eat before time. 2. If excessively exquisite. 3. If more just. 4. If voracity— cite. 5. If excessively prepared beforehand. 3. c. sect. 4. n. 2.

Whereupon the resolution is: « 1. Gluttony, by its very nature, is a venial sin only, because none of these modes directly contradicts charity towards God or towards one's neighbor. Note here proposition 8 is condemned by Innoc. XI. To eat and to drink until satiety for the sake of mere pleasure is not a sin.

Tamen licet uti delectatione ad cibum percipiendum. For the health of the body, as 5. n. 4. from St. Augustine. Hence it is probable that they teach Nao., . and that it does not repugn even to fill oneself with food and drink up to the point of vomiting: and this also, if anyone vomits, so that he may be able to drink again repeatedly; which nevertheless is a word. Comedere, Sa, and many others believe that a mortal sin is committed. View Bald.

Scourge. Chapter 11, Article 1, Question 4, Part 1. » (To eat or drink until vomiting is prob- » ably only venial in its own genus, unless there be scandalous- » ness, or notable harm to health, as commonly they say on p. 154. n. 732. and c. 25. nu. 8. with Caj.) » Naon. Henrig. et . 3. sect. 4. n. 2.

But those who spontaneously vomit what they have taken in order to eat or drink again are hardly excused from a mortal sin; for this seems to involve great deformity; so probatively (contra Bus.) c. et Wigandt. tr. 5. Example 3. n. 70. Reply 2.) "3." It is hardly doubtful that it is permissible to eat or drink in such a way as to otherwise create vomit, if it is judged to be salutary. 4. Meanwhile, a mortal sin is deemed to be committed

through drunkenness by reason of an accident and excessive disorderliness in these cases.

If anyone, on account of gluttony, violates the fast of the Church. 2. If anyone through gluttony becomes notably foolish for functions to which he is subject under mortal sin. 3. If anyone by reason of very serious illness does harm; he taking notice thereof; but if only slightly: as for example, if a feverish person by drinking water increases his sickness. 4. If continuous are made consummations and draughtings, so that belly be held for God. 5.

If anyone drinks to perfect intoxication, of which see below. 6. If anyone shall eat flesh or human blood out of mere gluttony; then because that is repugnant to the debt of piety due to the dead: then because it is contrary to the instinct of nature which is abhorrent. However, it will be excusable if it happens for the cause of medicine, or some other just cause, such as extreme hunger in a siege, in which nevertheless you would not be permitted to preserve life so. Moralis capitulum octavum, iota quinta, sectiones quarta. Sa, Bon.

Immediately. Chapter 1, Article 3, Section 29. In like manner some excuse those lictors who are said to animate themselves with a draught of human blood, so that they may better administer their office, especially since according to many the blood has not been animated. V. Sic etiam excusant quidam lictores illos, qui, ut officium suum melius administrent, haustum sanguinis humani se animare dicuntur, praesertim tum sanguis secundum multos animatus non fuerit. Author cited 74. — « 5.

They are also veiialia in their own genus, which are called the daughters of Gula: namely, from the part of the Soul. 1. Dulness of mind, or "stupidity born of drunkenness," for instance, when one cannot pray, etc., which becomes mortal when anyone voluntarily makes himself inept in understanding, or in performing those things which are necessary to his salvation, or to which he is bound by duty, or otherwise under a grave sin. Balduinus de 29. libri 3. nota 15. Inepta laetitia, per quam intelligitur non quaevis inordinata, quae omne peccatum sequitur, sed quae movet ad cantiones obscenas, actus turpes, saltus vel choreas inhonestas, etc., fit mortalis, quando est inductiva alterius ad consensum, vel delectationem mortalium, vel ad eam ordinatur. ibid. « 3. Multiloquium. « 4.

Scurrility, which differs from inordinate joy and much speaking in that the former is in the appetite, this in words, that also in words and gestures; it always signifies some kind of impropriety, even by itself and somewhat

scandalously venially, for example to say scurrilous things, or to emit wind, sneeze, etc., from levity to provoke laughter; yet it would be mortal if it were a cause of venial delight. Bald. "Parte corporis, immunditia, vomitus, et seminis effusio." Which last, if voluntary, will be mortal. See 3. Section 4. Chapter 3. Article 3.

Balduinus, lib. 3, cap. 29. ## ARTICLE II. ## What is Intoxication. 78. In what consists the sin of drunkenness? And when is it mortal? — 76. Whether the sin of intoxication is from a prescribed draught or from fear of death? — 77.

Is it always a mortal sin to intoxicate another person? — 78. When is intoxication excused from mortal sin? Are all evils committed in drunkenness sins? 78. — « Rksp. The full and perfect malice of drunkenness consisted in this, that one deprive himself of the use of reason without just and grave cause, solely for the sake of pleasure or knowing it to be against reason; not simply as is done in sleep, instituted naturally by the author of nature for the conservation of powers and image of God; but violently, and in an unnatural manner, by disturbing reason and deflating the image of God into the likeness of brute beasts; and furthermore, by depriving himself of the proximate power to use reason against all common necessity. They teach thus commonly.

DD. ON INDIVIDUAL SINS. DOUBT. V. 18. Where resolved: "1."

Perfect drunkenness, which in the manner described is completely soporific to reason, is by its very nature mortal; because it is deemed an injury to God to thus deface His image. It is common DD. It is certain among all, that for drunkenness to be a mortal sin, it requires that it be perfect, namely that which entirely deprives one of the use of reason; as it is taught in article 2 and enunciation 3 and gloss 150 article 2 and with all the doctors, in this consists the malice of drunkenness, that man, who is powerful and knowing beforehand, deprives himself of the use of reason. And the same is taught by D. tit. 6. c. 3. § 1. Wherefore he does not commit a mortal sin who, although from the power of wine his mind is disturbed so that he can still discern between good and evil, does not totally lose the use of reason, as commonly they say n. 3.

Cajetanus in Boetius. Th. 1. c. c. 2. n. 21. Eibel t. 1. p. 225. n. 663. Fig. tr. 3. From 3. numbered note 70, page 154, numbered note 730, infinitely, third section four, number six, and others.

Croix adds in his 5th book, n. 327, together with Gob. and the common

opinion, that drunkenness is not mortal if it deprives reason for a brief time. He says however Croix that a long time appears to be one hour. But he who drinks wine until he vomits, who intoxicates himself, will sin mortally. (See what is said, n. 73, v. 2.) Here.) 76. — " 2. It is not a sin to intoxicate oneself according to the prescription of physicians if otherwise health cannot be restored.

Syllow. Caution. It is sought herefore first. Whether it is licit to become intoxicated by counsel of physicians when intoxication is deemed absolutely necessary for the expulsion of a disease. The most reverend doctors are greatly laboring in this question, although it seems that such a case can hardly ever happen.

The first opinion affirms that which Bus. holds in c. 3, n. 13; namely, in c. 4, sect. 4, n. 5; and further in c. 30. Doctor 3, Question 5, Article 2, Note 2, Question 3. R. 5. Sporer t. 1. p. 95 n. 69. c. 1. nu. 31. et Sal. tr. 25. c. 2. n. 35. cum Sylvio, etc., Italio, quia cibus et potus tunc sunt peccata, quando sunt immoderati; è converso 2. q. 150. art. 2. ad 3. docet quod « cibus et potus est modo- » raduis secundum quod competit corporis valetudini; et ideo quandoque contingit ut ille, qui est superfluus sano, sit mo- » deratus infirmo. Therefore, wine drink is not to be called superfluous with regard to the sick person for whom it is necessary to health.

And this opinion seems to be favored by the same St. Thomas 1-2, quaest. 88, art. 5, ad 1, where he says: "For what reason a man renders himself impotent for the use of reason, through which man is ordered to God and many sins occasioned by wine are contravened solely for the pleasure of it." Note with respect to necessity; therefore, if necessity be present, the virtue is not contravened. The second opinion, however, is preferred, and this is held on page 369 at the end. Petrocoræns. t. 2. p. 181. quasst. 3. p. 155. n. 736. Felix Potestà de Vitii c. n. 3782. etc. Ratio, quia voluntaria privatio rationis per ebrietatem est intrinsecè mala: unde congruent fornicatio nunquam permitti potest, ita neque haec.

Nevertheless, the first opinions seem sufficiently probable, nay, more probable to me in the case where wine is given to expel or correct foul humours; for then the privation of reason happens by accident and indirectly, and hence it can be lawfully permitted; it is lawful for a mother to take medicine directly tending to preserve her life, although its indirect effect may be the expulsion of something noisome, as we said in book 3, number 3q4. Question Noneigitur. Dum autem dicendum est aliter si potatio daretur directe ad ebrietatem sive ad privationem rationis causandam; hoc enim esset semper intrinsecè malum. Hence, as Croix rightly observed, 1.5. num 314: when it is never licit to intoxicate oneself

for the alleviation of senses, so that one may not suffer torment. "3. Neither is it a sin if one is compelled to drink with the intention of causing intoxication or impairment of reason.

See chapter 4, question 3, article 4, note 37. » and Bald. It is queried II. Whether it is licit for someone to intoxicate himself in order to avoid death which another threatens him with, unless he intoxicates himself? The first opinion affirms this, and those who hold with Bus say so. Lessius. 1. 4. c. 3. n. 36.

D. ultimae quæstionis primi principii quartam numeracionem tertium numerum secundae partis trenta. He considers it probable in the third section, fourth chapter, fifth note, paragraph three. Reason, firstly because although man does not have dominion over the use of reason, he nevertheless has it in order to achieve the good of the whole, and thus can dispose of such a use as is necessary for the preservation of the whole; secondly, because this deprivation is not intended but only permitted, whence one is not bound to hinder it even at the cost of his own life. The second opinion, however, which is more probable, denies this to be licit, and those who hold this view are found on p. 155, n. 736. Wiganclt tr. 5.

Example 3, note 71, line 7, chapter 33, question 5, in the final part, page 269, and article 25, chapter 2, note 45, with Cajetan. Reason, because (as we have said), to deprive oneself directly of the use of reason is intrinsically evil; and then there does not exist a cause excusing, which would be congruous in the case of the preceding question, for there wine is a medium per se ordered to expel the disease, but not here. Furthermore, in that case danger to life is intrinsically from the troubling disease, and thus it is permissible to expel it by means of wine consumption: but this danger is extrinsically based, whence it is illicit for one to liberate oneself from it through drunkenness; just as it is permitted to use a medicine to expel an inanimate fetus from the mother to preserve her life, so too it is not permissible to expel it that death may be avoided by the relatives, according to what was said in 1.3 num. 3q4. Our opinion is confirmed by the authority of St. Augustine. Sermon 232 on the Seasons, where he says: "Even if one were to come to this, so that it would be said to you, either drink or die, it was better that your fleshly nature be soberly put to death than that your soul perish through intoxication."

It is likewise no justification to say that according to Lessio n. 38 this text should be understood as meaning that when one is compelled to drink in contempt of virtue, for there the Holy Doctor does not speak of contempt, but only of those who are prone to drunkenness, who "are accustomed (as he says) to excuse themselves thus, saying: A powerful person coerced me

to drink more, and at the King's feast I could not do otherwise." You shall stand: he can lawfully will that his hand be cut off so that he may not be killed; therefore he can likewise lawfully will to intoxicate himself so as to avoid death. But it is answered with Holzmann that the reason is disparate, for a part per se is ordered to the conservation of the whole body; yet nevertheless the use of reason is not ordered to the life of the body, but to the preservation of the integrity of the soul. And this again I repeat what at first I protested, namely that when I call some opinion unequivocally more probable, I do not thereby understand it to be opposed as a probable one. Equally consonant therewith, when I speak of some opinion, I dare not condemn it, nor declare it improbable, not therefore do I admit it as probable; but I doubt its probability.

Item, cùm aliquam sententiam veriorem voco, intelligo oppositam non solida probabilitate mihi pollere, licet omnino non reprobem. 77. — « 4. It is a mortal sin to intoxicate another, or provoke him with the intention of intoxicating, or with awareness that he will follow after the state of intoxication in himself or otherwise. c. 5. If a just cause is present, for instance, if a great evil cannot otherwise be prevented except by someone being induced to inebriation, although this may lead them to inebriation which is not voluntary for themselves, that is, beyond their intention and thus guiltlessly; for example, very strong or medicated wine given to drink whose strength is unknown. Whereby thus you might inebriate those who otherwise would be about to betray the city, or about to depart from you. . c. and . 2. de matr. d. 11. But in this case is it permissible to induce to voluntary intoxication?

It is a doubt. . 4. c. 3. d. 4. n. 32. » It affirms; because, he says, it is permissible to persuade and induce to less evil, in order to prevent a greater one. . 3. sect. 4. n. 6. More correctly denies, because in no case is it permissible to induce to sin. » It is therefore questioned whether it is permissible to lead someone to intoxication, so that he may be prevented from committing a graver evil, for example, by committing sacrilege or murder? There are three opinions. The first affirms this and holds it to be true. 4. c. 3. d. 4. n. 33. And they consider it probable, Med.

Gob. Diana, and others according to Croix, 1. 2. n. 224. Reason, because it is permissible to commit a lesser evil in order to prevent a greater harm from being endured. The second opinion, which they hold. 3. Section 4. No. 6.

Volunt. tom. 2. The last question on Predestination, part 30, number 30. D. 3. p. 5. et . 25. c. 2. n. 51. says that it is licit to induce another to material drunkenness, namely when one himself becomes intoxicated without

sinning, for example by adding very strong or medicated wine to him; because then on one side he does not sin, and on the other hand, allowing damage from drunkenness is permitted to avoid a more serious harm to others. They, however, do not consider it licit to induce one to formal intoxication, namely with his own sin, for this being intrinsically evil, is therefore never to be permitted. Neither does it hinder (as they say), the reasoning of Lessius, for this is responded to when a lesser evil is included in a greater evil; as if you were to induce your willing enemy to kill someone only by making him strike; but not when the evil is distinct, Third BOOK.

V. Nam hoc valere respondent, quando minus illud malum est inclusum in malo majori, prout si volentem occidere inimicum inducas ad tantùm percutiendum; non verò quando malum est disparatum Tertia LIB. TRACT. DEPECCATIS. CHAP. III. ARTICLE I. III. Finally, the opinion which Tournai defends in his treatise at page 369, and Halen in his first volume at page 155, note 735, with Arselich, says that it is not permissible to lead anyone to intoxication, whether formally or materially, for the purpose of avoiding any evil, because (and rightly so) an evil, even if material, contrary to natural law is truly an evil, whence it never ought to be cooperated in.

Tamen non obstantibus illius sententiae, prima sententia mihi satis probabilis videtur, et aliis viris doctis me consulitis, sive ebrietas sit materialis, sive formalis, ob rationem jam allatam, quia licitum est inducere al- terum ad minus malum, ut impediatur a majori, juxta ea quae diximus lib. a. num. 57. Neither does this hinder what they say in c. contra Lessium, for although the evil of drunkenness does not seem to imply the greater evil of sacrilege or robbery, since these are evils per se disparate; yet truly it is already virtually included in that greater spiritual evil, because every spiritual evil includes, or approaches, whatever temporal evil there may be, so that one ought rather to endure any temporal evil at all, in order to avoid even the slightest spiritual evil. Neither is it an offense to say that it is not permitted to counsel a lesser evil to be inflicted upon a third party, because then the counselor would be the direct cause of harm to the third party, which would not happen to him unless he himself had counseled it; for this runs when an evil is to be inflicted upon a third innocent party, who is not bound to suffer that harm in order to avoid another's spiritual evil; but rather in our case, where one is induced to drunkenness, he is bound to endure (as we said) whatever temporal harm may come to avoid a greater spiritual evil. 78. — « 6. If anyone did not avoid the danger of drunkenness, and thus was ensnared by wine, like gold stirred by the wind, he did not avoid this; his guilt is excused.

Whereby many excuse themselves who prudently often judge that they are

still able to take a draught without harm; yet they will not prudently judge this, if they have contrary experience concerning themselves. Thus commonly DD, when D. Thomas 2. 2. q. 150. art. 2., where he says: "Erietas contingit tripliciter (sic quod nescit potum esse imponderatum et inebriare potentem), et sic ebrietas potest esse sine peccato.... Alio modo sic, quod aliquis percipiat potum esse imponderatum, tamen aestimet potum esse inebriare potentem, et sic ebrietas potest esse cum peccato veniali." Third way it can happen that someone may advertently perceive pot to be imponderous and inebriating... and thus drunkenness is mortal sin, because according to this man willing and knowing he deprives himself of the use of reason. He adds to the first: "That if anyone makes drunkenness a mortal sin, it is not on account of mere repetition of acts, but because it cannot be that a man, knowing and willing it, should frequently become intoxicated without incurring drunkenness, since he often experiences the strength of wine and his own ability to become intoxicated." But it must be diligently noted that if anyone takes such a quantity of wine as is apt for inebriation, even now having adverted to this, he incurs no capital penalties.

DUN. VI. 101 modo excusatur à mortali, quamvis aliquam sensibus destituta committat somnia se, quo vini effectum effugiat: quia potio illa jam de se est intrinsece mala, cum de se apta jam sit ad privandum hominem usu rationis, et per accidens se habeat, quod ipse vel per somnum, vel per inebriationem sensibus privetur. If anyone after drinking is still able to discern between good and evil, even though some phantasia may be disturbed or vomiting may follow, speech stagger, feet totter, eyes see double, or the house appear to gyrate, yet full intoxication has not yet set in: hence it is only a venial sin, albeit one committed through more serious circumstances, if such a deed has been done while intoxicated. See. Lym. 1. c. " 8.

Plena ebrietas notatur ex his signis, quae dat . 4. Number 3 and Regulation 1. If anyone has forgotten the said, done, how or when he shall lead home. 2. If he has committed those things which never usually seem right to a sound mind: for example, if he has spoken turpitude contrary to custom, disturbed the household, beaten his wife, etc. Evil deeds committed in drunkenness, if they are not premeditated, or if caution has been exercised, are free from guilt.

What if evils have been foreseen? Health. Tr. 20. Cap. 10. a 27. et fusius de V. n. 31. cum Sedo distinguunt, et dicunt quod si mala sint operis, ut sunt occisiones, formicationes, etc., imputantur ad culpam; secus vero si sint mala oris, ut contumele, blasphemiæ, et perjuria; quia, ut aiunt, verba illa prelata ab ebrio non sunt verba formalia actu significativa, quatenus

non dicta ab homine rationis compote, sed sunt simplices seni, seu verba materialia, tanquam prolata a psittaco vel pica. Non temeriter hoc judicium dicam, sed magis adhaero sententiae contrariae cum n. c. 16. n. 44., qui cum Cajetanum et Tolomeum docent blasphemias distinctas esse vera peccata formalia in causa, cum ipse liberè eas posuerit: quia verba contumeliosae prolatae à homine in ebrietate nullam de honore hominibus irrogare rectè dicit; sed si proferantur in Deum, justa dicta sunt l. 3. n. 123., circa finem, ubi diximus blasphemias etiam sine affectu, sive materialiter prolatas, non excusari a peccato, cum sola prolatio ipsarum voluntaria vegat in diminutionem Divini honoris. And in our case, although the pronouncement is not voluntary in the act, it nevertheless appears to be voluntary in the cause. ## DUBIUM VI. ## What is Anger? 79. When is anger a sin? — 80.

Of sins which arise from anger? — 81. Does contumely at any time lack culpability? — 82. How manifold is Contumelia? — 83. What is required so that a curse or an invocation against men be mortal sin? 79. « « Resp. The appetite for vengeance is disproportionate.

Which inordinacy according to D. [i.e., Divine Law] from the part of the mode of irascibility, so that if indeed you inwardly glow with wrath, or 192 LIB. If indeed you are inwardly enflamed, TREATISE. OF SINS. CHAP. III.

ARTICLE II "externally through signs most manifest." 2. According to the object, so that if you should desire a punishment clearly unjust for a reason, or if you should desire a greater just punishment, for example by wishing the death of an enemy who is not deserving of it, or to execute your own authority, or finally, even though the punishment may be just, nevertheless do not desire it as just, but rather as satisfying for your malicious mind. Whereupon resolves: "I."

If vengeance is rightly desired, it is not a sin of anger: as when superiors are angered by the sins of their subordinates and punish or vindicate them accordingly. Unordered anger, in the first manner as previously stated, is by its genus a venial sin; yet it can become mortal through an accident, namely if blasphemy, malediction, or scandal are added. 80. — Inordinate anger, in the second place, is from its own genus mortal; because it is directly contrary to charity. Baldo, lib. 3, dist. 21, § 4. Of the daughters of anger, which in part are from the heart, as Indignation and Swelling of the mind; in part from the mouth, as Clamor, Blasphemy, Contumely, Malediction; in part from the work, as Quarrel, Battles, Seditions, Wounds: according to different modes it must be spoken, according to the rule above given.

Nam i. Indignatio, quæ est inordinatus affectus ex eo quod quis reputet se indignè à tali tractari, communiter est veniale; inò si ex justo rationis judicio procedat, nullum est. However, it can nevertheless be mortal if it increases to deliberate hatred and contempt for a person to a great extent. Tumor mentis, quo quis morosè excogitat diversas vias vindictæ, iisque cogitationibus animum tumefacit, quale sit peccatum judican- dum est ex qualitate vindictæ, quæ excogitatur. See. 8.

c. 58. 3. Clamor, when the enraged one raises his voice, contains many things that are both out of order and confusedly poured forth; it is generally a venial sin, unless something else is added. Blasphemy is mortal sin from which above in book 3, part 2, chapter 1. » n. 5. Contumelia, qua quis proximo malum aliquod objicit cum intentione illum inhonorandi, est ex genere suo mortale. 81. — Dixi animo inhonorandi: quia animo corrigendi vel humiliandi alia ratio potest Superior verbum aliquod aliàs contumeliosum objicere, quomodo Christus vocavit Apostolos stultos; et Apostolus Galatas insensatos.

In quo tamen peccari potest, si modus debitæ correctionis excedatur, vel subditus gravius dehonoretur quàm per delictum meruit. View. Bald. d. 34. n. 16. Moreover, as Cajetan teaches, contumely can be merely venial if it is merely trivial or if it is merely material, without any intention to dishonor; otherwise, a notable injury to the honor of another would follow. And thus are excused, at least from mortal sin, many parents who call their children asses, etc.; likewise women, boys, and men of low estate who involve themselves in scandals: because as their faith is not held by others, their honor is not grievously injured.

See Bon. l. 3. Question 2, Article 5. Finally, if for the cause of play, by a suitable recreative activity, light defects are objected, then urbanity is shown according to § 5. Th. 2. 2. q. 72. art. 2. dummodo alter non contristetur, nec ad iram moveatur. 82. — « 5. Contumely is also committed by deed, both indirectly; for instance, if you insult or burn the image or writings of another; and directly, if you beat an honorable man with rods, or distort his horns, etc., or represent something that dishonors another.

This pertains to the act of mocking; when it is done through signs, such as a wrinkled nose, extended lips, etc., intending to cause confusion in the neighbor, which, if serious, or at least the neighbor takes it seriously and is grievously grieved by it, they are mortal sins. l. 3. d. 3. etc. ex. St. Thomas Aquinas Concerning which note it is known that he who through

contumely has injured another's honor is bound to restore this, even if the fame has not been injured. This however can be done either through a honorific and friendly greeting, or an invitation to dine together, or a petition for forgiveness (even with frequent genuflections and before witnesses), according as the injury was grave. See.

C. de Lugo d. i5. Number 53. Add that it is not necessary to explain the quality of mortal contumely in confession, contrary to Sa, Mol. C. de Lugo, d. i6. de pænit. n. 269. (Vide dicta l. 3. n. 984.) 83. — « 6. Cursus, per quem quis optat vel imprecatur alteri malum sub ratione malis, est ex genere suo mortalis.

It teaches that a curse or imprecation against men, according to its own genus, is a mortal sin, and the more grievous the person against whom we curse or imprecate is loved and revered. It happens, however, that the word pronounced in malediction may be venial, either on account of the smallness of the evil which one invokes against another by maledicendo, or also on account of the affection of him who utters the words of malediction, when from a slight movement, or from play, or from some kind of jest such words are pronounced; for sins of words are especially thought to proceed from affection. From which doctrine the Sacred Doctor infers that malediction is mortal, three things are required: 1. That a spoken evil may be earnestly desired. 2. That perfect deliberation may be desired. 3.

That the opted evil may be serious. So commonly all together. See no. 28. Whether, however, all curses be of the same kind. See above mentioned note no. 50. "7."

Rixae, si modum non excedant, ut et leviculæ pugnæ, veniales sunt; secus, si progrediuntur ad seditiones, vulnera; cædes. These are commonly regarded as sins on the part of the beginner in a quarrel; for one person, indeed, can defend himself with moderation against the incited protection. ## DUBIUM VII. ## What is Acedia? 84. — “Resp. Acedia, sive animi tædium, potest ex parte duobus modis usurari. Generally, for every remission of the soul in the exercise of virtues, insofar as labor.

I. TREATISE. I. DISACRAMENTUM ENGENDERING.

CHAPTER I alii. de Sacramente: "Est signum sensibile, sacrum, permanens, interioris gratiae institutum a Christo ad nostram sanctificationem." This definition is more consonant with the Decree of Trent, Session 13, Chapter 3, where the Sacrament is thus defined: Symbol of the reality of the

Sacred, and visible form of invisible Grace. It is called a Symbol, or Sign, because essentially this pertains to the Sacrament, insofar as it is a sign denoting the圣言已终止 Sensible, id est patens sensibus. Sacred, that is to say with a Religious act

Permanent, when our Religion endures. Interior Grace, because here it is essential to all Sacraments, Grace signifies. Instituted, because, since the Sacrament is arbitrary in its signification, it cannot either effect sanctification or signify so except through Divine institution. Christo I. ad differentiam Sacramentalium ut usus qua benedictæ panis benedicti, etc., quæ non à Deo sed ab ecclesia instituta sunt, et viorationum Ecclesiae excitent pios motus in anima, quibus movetur Deus ad postea peccata remittenda. It is said to Christ in the second place, because although Habert says that Sacraments are principally instituted for God, not for man, nor as a cause either physical or moral and instrumental, since only God could have been able to attribute the power of sanctification to the Sacraments; yet they better say. c. 3. n. 4. et Vioae odem tit. q. 1. art. 4. num.

I. when with others, Christ instituted the Sacraments through the power of Excellency, and He Himself is united in this same reason of institution with the Word; and thus is the intention thereof established. Th. 3. p. q. 7, 2. art. 1, ad 1: "Instituere novum sacramentum pertinet ad potestatem Excellentiæ, quae competit soli Christo." It is said then concerning our Sanctification that this also pertains to the essence of the Sacrament, as it has been defined. 7. can. 1. 3. - « 2. A definition talis Sacramenti excludi 1. Sacrificia tam novae, quàm veteris Legis: quia haec non sunt instituta ad gratiam ex opere operato conferendam; (etsi nihilominus sacrificium novæ legis sic eam impetrare ieiunet, pro quo offeritur non ut Sacramentum, usu et applicatione, sed per modum impetrationis), sed ad cultum Deo praestandum.

Conc. d. 6 0. Article 2 2. 2. The figures of the sacraments of the old law, for example, circumcision, passing over the Red Sea, paschal lamb, various other purifications and consecrations of priests; in that they were not instituted to Christ; in that they did not effect true sanctity. A c, licet Circumcisio aliquando sustulerit peccatum originale per veram gratiam, id fecit vel ex opere operantis in adultis, vel non ex opere operatos simpliciter et rigorose, tum quia non contulit gratiam ut causa physica, velut causa moralis quia non dumeratexhibitapassioChristi; et meritum ex qua gratia pendebat, sed tantum ex speciali privilegio; tum quia non contulit gratiam formaliter, qua Circumcisio et ex suainstitutione, sed quatenus usuaret professio fidei, neque vi applicationis et usui sui; alioquinominonponenti obicem, e t - quidem præter omne meritum

contulisset, quod est falsum. See Fil. t r. 1 e t 5. q. 8. c. 8. "4. — Sed quæritur I. an Circumcisio fuerit verum Sacramentum.

Resp. affirmativè ex communi, tum quia Circumcisio per se operabatur Sanctitatem, non internam sed externam, sive legalem; tum quia fideles consecrabantur ad veri Dei cultum. Thus. It is asked II. Does circumcision of itself remit sin? Resp. negatively with Habert, who says that then adult faithful would not be cleansed from original sin or actual sin unless they had charity; but children are cleansed from original sin through the act of one ministering in faith or offering, as teaches S. Th. par. 3, q. 70, art. 4.

According to which (as he says), this Faith regarded Christ as One who was to come. 5. — « 3. Neither are the Sacraments those which are called Sacramentalia, for instance, the blessing of an Abbot, the consecration of a virgin; because precisely from their use and the work performed they do not confer grace: nor do the acts of virtues, except insofar as these are sensible. Lotionem pedum Apostolorum; insufflationem Christi in Apostolos, per quam Spiritum Sanctum illis dedit. Item verba Christi ad Magdalenam et Paralyticum: Remittuntur tibi peccata; quia non fuerunt signa instituta stabiliter ad gratiam conferendam. 5.

Martyrium, on account of the same reason: for it is from the work wrought that grace may be conferred; yet it is not specially instituted for this purpose. » See Schol. » 6. — Plura hic adnotanda sunt: et notandum I. It is certain that there are seven Sacraments according to the Faith, and all instituted by Christ, as defined by the Council Canon i. And these are also called Sacraments of the Dead, such as Baptism and Penance, which cause the first Grace, and therefore can also be received by the sinner.

Others of the Sacraments, such as are the Eucharist and the others. Nevertheless, this does not prevent that even the Sacraments of the living sometimes confer the first Grace, namely when someone thinking himself not to be in the state of mortal sin, or supposing himself contrite, adds the disposition with attrition to the Sacrament; as St. Thomas says in III. p. q. 79. art. 3., where he states: "This Sacrament can nevertheless work the remission of sin even for him who has received it while in a state of mortal sin, whose conscience and disposition are not such; perhaps at first he was not sufficiently contrite, but devoutly and reverently receiving this Sacrament, he will thereby obtain grace of charity, which will complete his contrition and the remission of sin." And the same is confirmed in question 72, article 7, ad 2. And the same is commonly taught by the Doctors concerning other Sacraments, as on page 43 and page 52, n. 29, 2. q. 3. et 12. cum. (contra Vasquez). Lug.

Session 7. Can. 6. dicitur: « Si quis dixerit Sacramenta novae legis... gratiam non ponentibus obiciens, non conferre... anathema sit. » Note well: he who puts an obstacle; therefore, whoever approaches the Sacrament of the living with contrition, which excludes both actual and habitual affection of sin, no longer puts an obstacle, and thus receives grace, according to chapter 194 LIB. V. Nota verbum obicem; ergo qui accedet ad Sacramentum vivorum cum attritione, quæ excludit affectum peccati tam actualem quàm habitualem, jam non ponit obicem, et ideo gratiam recipiet, modo 194 LIB. TREATISE.

OF SINS. CHAP. III. ART. II. "Let it be added that someone is joined. 2." Especially with regard to sadness and weariness in respect to divine friendship, because it ought to be maintained through laborious exercises of virtues; thus he does not care for that friendship. Hence the resolution: 1.

Acedia accepted in the first mode is then a mortal sin, when thereby an act forbidden under mortal penalty is committed. Acedia accepta secundo modo ex se est mortale, quia repugnat charitati Dei. Ex quo de filiabus Acediae quoque facile judicari potest, quae sunt sequentes. 1. Malice, qua quis odit bona spiritualia et vellei ea non esse, aut qua ipsum poenitet bene fecisse vel implevisse id ad quod tenebatur, aut qua contemnit Dei Beneficium, v.g. desiderando non fuisse natum, aut non agnovisse Christum, etc., est autem ex genere suo mortale. Pusillanimitas, et desperatio de salute, quae mortale est. Rancor, quo ii sunt fastidio, qui ad spiritualia inducunt. « 4.

Languor, cum bona fiunt, non cum debito fervore. « 5. Deviation of the mind, by which one is distracted in the exercise of spiritual matters concerning illicit things; whether through contemplation, and it is called curiosity; or through speech, and it is called loquacity; or through unrest, and it is called perturbation; these are commonly venial sins. See D. 2, tom. 3, c. q., 8, c. 70. A mortal evagation of culpability will be when it is notable, and attention is required to fulfill a precept obliging under mortal sin: e.g., in reciting canonical hours, celebrating Mass, or hearing Mass. Reg. 1. p. 3. c. 6. dub. 1. contra sacrific. l. 2. c. 3., ubi docet, voluntarie distractum esse et per notabile tempus inter sacrificandum extra Canonem esse tantum veniale; licet concedat sub Canone, praesertim circa Consecrationem, esse mortale propter gravem irreverentiam et periculum erroris. » mortale, propter gravem irreverentiam, et periculum erroris. « Dixi ad implendum praeceptum: nam in oratione vel non praecepta, vel sub obligatione tantum veniali, est peccatum veniale tantum: S. Thom.

Nona. . l. 2. c. 37. dist. 11. Rather, no act is performed if one does not intend to fulfill the words of prayer through pious exercise: for he prays not formally but only materially: e.g., when someone recites psalms or other prayers or sings them with hands occupied in laboring, not with an intent to pray, but rather with a mind engaged in vain thoughts or seeking recreation. See above, in book 4, chapter 2, question 2. # SIXTH BOOK. ## ON THE SACRAMENTS.. This book contains six treatises: 1. It is treated concerning the Sacraments in general. 2. On Baptism and Confirmation. 3.

Of the Eucharist. 4. Of Penance. 5. On the Extreme Unction and Order. 6. On Marriage. ## FIRST TREATISE. ## ON THE SACRAMENTS IN GENERAL. ## HEAD I. ON THE NATURE OF THE SACRAMENT OF THE NEW LAW. ## DOUBT I. ## What is a Sacrament? 1.

How is the Sacrament defined? And what is required for the essence of the Sacrament of the New Law - 2. Another more common definition of the Sacrament. — 5. Were they true sacrifices, figures, and sacraments of the old law? — 4. What is to be noted about Circumcision? — 5.

What else is excluded from the reason for the Sacrament? — 6. Many things are to be noted concerning the Sacraments. And in how many ways are the Sacraments distinguished? — 7. Do the Sacraments cause grace physically or morally? 1. — « Resp. It is a sensible thing, which by reason of the stable institution of Christ possesses the power of sanctity, or of justifying grace producing, and consequently of signifying. Whereupon the resolution: « 1. »

Three things are required for «the knowledge of the sacrament». That it may be a sign "stable." 2. That it may signify true holiness. 3. That finally it may be said to proceed from the work itself, that is, by its own use and application, through its primary efficacy, and not from the work performed, either by an act or disposition of the ministering or receiving party: which, although required for the effect of the Sacrament, nevertheless is not as a cause, but as a sine qua non condition. The more I favor the common definition, which they transmit from 13.1.6.6 LIE.

VI. TREATISE. I. DISACRAMENTUM ENGENDERING.

CHAPTER I alii. de Sacramente: "Est signum sensibile, sacrum, permanens, interioris gratiae institutum a Christo ad nostram sanctificationem." This definition is more consonant with the decree of Trent, Session 13, Chapter

3, where the Sacrament is thus defined: Symbol of the mystery of the Sacred Body and the visible form of invisible Grace. It is called a symbol, or sign, because essentially this pertains to the sacrament, inasmuch as it is a sign denoting the sanctifying grace of the soul. Sensible, id est sensibus patens. Sacred, that is to say with a Religious act

Permanent, when our Religion endures. Interior Grace, because here it is essential to all Sacraments, Grace signifies. Instituted, because, since the Sacrament is arbitrary in its signification, it cannot either effect sanctification or signify so except through Divine institution. Christo I. ad differentiam Sacramentalium ut usuraquæ benedictæ; panis benedicti, etc., quæ non à Deo sed ab ecclesia instituta sunt, et viationum Ecclesiae excitant pios motus in anima, quibus movetur Deus ad postea peccata remittenda. It is said to Christ 2ndly, because although Habert says that Sacraments are principally instituted by God and not by man, nor as a cause either of a moral or instrumental kind, since only God could give the power of sanctification to the Sacraments; yet they better say. c. 3. n. 4. et Vioa, idem tit. q. 1. art. 4. num. 1. with others, that Christ instituted the Sacraments in man according to the excellence of His power, and He is united therewith by reason of the same; and thus is the intention thereof also.

Th. 3. p. q. 7 II art. 1 ad 1 ubi ait: « Instituere novum Sacramentum pertinet ad potestatem Excellentiæ, quæ competet soli Christo. » It is also said for our sanctification; this too pertains to the essence of the sacrament, as it has been defined. Can. 7, 1, 3 - « 2. A definition talis Sacramenti excludi 1. Sacrificia tam novae, quàm veteris Legis: quia haec non sunt instituta ad gratiam ex opere operato conferendam; (etsi nihilominus sacrificium novæ legis sic eam impetrare ieiunet, pro quo offeritur non ut Sacramentum, usui suo et applicatione, sed per modum impetrationis), sed ad cultum Deo praestandum. Conc. d. 6 0.

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contulisset, quod est falsum. See Fil. t r. 1 e t 5. q. 8. c. 8. "4. — Sed quæritur I. an Circumcisio fuerit verum Sacramentum. Resp. affirmativè ex communi, tum quia Circumcisio per se operabatur Sanctitatem, non internam sed externam, sive legalem; tum quia fideles consecrabantur ad veri Dei cultum.

Thus. It is asked II. Does circumcision of itself remit sin? Resp. negatively with Habert, who says that then adult faithful would not be cleansed from original sin or actual sin unless they had charity; but children are cleansed from original sin through the act of one ministering in faith or offering, as teaches S. Th. par. 3, q. 70, art. 4. According to which (as he says), this Faith regarded Christ as He was to come. 5. — « 3.

Neither are the Sacraments those which are called Sacramentalia, for instance, the blessing of an Abbot, the consecration of a virgin; because precisely from their use and the work performed they do not confer grace: nor do the acts of virtues, except insofar as these are sensible. Lotionem pedum Apostolorum; insufflationem Christi in Apostolos, per quam Spiritum Sanctum illis dedit. Item verba Christi ad Magdalenam et Paralyticum: Remittuntur tibi peccata; quia non fuerunt signa instituta stabiliter ad gratiam conferendam. 5. Martyrium, on account of the same reason: for it is from the work wrought that grace may be conferred; yet it is not specially instituted for this purpose.

» See Schol. » 6. — Plura hfc adnotanda sunt: et notandum primum. It is certain that there are seven Sacraments according to the Faith, and all instituted by Christ, as defined by the Council Canon i. And these are also called Sacraments of the Dead, such as Baptism and Penitence, which cause the first Grace, and therefore can also be received by the sinner. Others of the Sacraments, such as are the Eucharist, and the other remaining ones.

Nevertheless, this does not prevent that even the Sacraments of the living sometimes confer the first Grace, namely when someone thinking himself not to be in the state of mortal sin, or supposing himself contrite, adds the disposition with contrition to the Sacrament; as St. Thomas says in III. p. q. 79. art. 3., where he states: "This Sacrament can nevertheless work the remission of sin even for him who has received it while being in mortal sin, whose conscience and affection are not such; perhaps at first he was not sufficiently contrite, but devoutly and reverently receiving this Sacrament, he will thereby obtain through it the grace of charity, which contributes perfectly and to the remission of sin." And the same is confirmed in question 72, article 7, ad 2. And the same is commonly taught by the Doctors concerning other Sacraments, as on page 43 and

page 52, n. 29. 2. q. 3. et 12. cum. (contra Vasquez). Lug. Session 7.

Can. 6. dicitur: « Si quis dixerit Sacramenta novae legis... gratiam non ponentibus obiciens, non conferre... anathema sit. » Note well: he who puts an obstacle; therefore, whoever approaches the Sacrament of the living with contrition, which excludes both actual and habitual affection of sin, no longer puts an obstacle, and thus receives grace, provided that... LIB. VI. TREATISE.

I. DISACRAMENTUM ENGENDERING. CAP. I. haveavowofPenance. This is confirmed by the example of Extreme Unction, which I weaken, as it were, with a slight use.

James: Si in peccato sit tremendum rei iudicium; id est, ut sentiat d. Th. 3. p. q. 30. art. I.) a robber is given penance against the defects left by sins past and forgiven: "But if so" (whereupon he added S.). The Doctor says: This burden of grace makes it incompatible with sin; hence in the following, if a sin of any kind, whether venial or mortal, is found, it removes itself, provided that it does not inflict an excessive penalty on the recipient. It is to be noted II. Other Sacraments are said to be Trunseundia, others Characteristica, imprinting a character, as Baptism, Confirmation and Order; character is named a spiritual sign, whereby it is distinguished from allis.

Notandum III. Other Sacraments are necessary for necessity of means to the end, at least in implicit will, as Baptism and Confirmation; others are nevertheless necessary by precept. Et autem Sacramentum Eucharistiae sit necessarium necesse medii saltem invito? Examine the Eucharist in question 2 of treatise 1. It is to be noted IV.

Sacraments are called Formed when in the recipient there is effected their form; Informia however, although they are valid indeed, but without their effect, so that even if Baptism were received without actual mortal sin, receding moreover by loss of grace, the Sacrament immediately causes grace. This is certainly true concerning Baptism, as commonly teach the doctors. Third question, first article. Scolastica E. 4. q. 5. n. 4 et 8. ex D. Augustinus l. i. de Bapt. c. 12. ubi docet. « (Quod ante datum est, valere incipit, cum illa fictiove - » racio con lessio re cesserit.

» Contin. Tourn. t. 4. p. 177. c. 5. n. 53. et aliipassim contra Vasq. Reason, because baptism is a necessary medium to be added for the origin of sin, but since it cannot be received any longer, neither actually nor by desire, which desire tends toward what can be received; therefore, having been

abolished, let it so abate that from its abolition may arise renewal. They probably extend it, Tourn. p. 177. concl. I. item Palad.

Syllogism from page . 6 to page . 7 concerning Sacraments of Confirmation and Orders, which are conferred upon those who seek them and also upon those who receive them in order that they may offer thanks sacramentally, both for those confirmed for faith to be professed and for those ordained for the ministry to be exercised. The same [person] probably extends Tourn. to Ma-trimoni-um, and to Ex-te-ma-um Un-tio-ne-m cum S. Thomas and S. Good. They go out together.

Lugo, Confessor of Penitence; but they deny it concerning the Eucharist, against Cagetus. Gonzal. Peter. Sot. etc., quorum sententiam probabilis vocant Sulm. l. c. Notandum est. The sacraments, which exceed grace and sanctify the soul, confer also grace through the sacrament received, namely the assistance to obtain the end for which any sacrament was instituted, so that S.

Thomas 3. part. qu. 6, 2. art. 2. To be noted VI. Sacraments are operated by the operation of the work, through the external validity of the rite, that is to say by the virtue of the conjunction of the form with the matter and the application thereof to the susceptible; wherefore the act by reason of the operation of the worker or of the susceptible receives the sacrament; yet although they cause the moment of grace if man be in grace, nevertheless they do not cause grace which is conferred by the sacrament; hence the act is of the nature of the New Law's sacrament. DUB. They are troubled only that dispositions for the reception of the Sacrament may be wanting.

S. Th. 3. p. qu. 60. art. 8. 7. — Magna quidem agitur quaestio inter DD., an Sacramentum acuat gratiam instrumentali secundum physice vel moraliter? Tourn. t. 4. pag. 215. concl. 2. cum Vasq. et Lagotenent causaremoraliter, idest, quiamovent Deum ad gratiam physicè causandam. The reason why grace is sought so that it may produce an efficient effect solely from God, without adding any physical miracle, namely, that it may confer grace through the Sacraments, is this. Sabm. tam et Socram. c. 2. num. 2 1. cum. Pell. et al., hold that the cause is instrumental physically: yet it does not produce a natural effect by means of natural potentiability and obediential elevation to produce an effect supernaturally, and they approve ex illo: namely, if no one has been born out of water, etc. » This more befits the Sacraments.

Both opinions are sufficiently probable. Consult the Scholastics concerning

the sufficiency of this argument for this question, since it is not left to our own judgment. SECOND DOUBT. Concerning the matter and form of the Sacraments to be observed? 8. In how many ways is the Sacrament to be taken? — 9. What conjunction is sought between the form and the matter? — 10. See Resolutions. — 11.

What mutation will invalidate the Sacrament? See the Resolutions according to Busemb. — 12. Whether the matter and form of all sacraments were determined specifically by Christ? 8. — "I SUPPOSE that the sacrament may be taken in two ways. 1." Through my « while composed of physical components, within which a sensible substance, and a form (e.g., v. g. In Baptism, water and ablution; in Unction, oil and anointing, are called matter; namely, water and oil as taken for matter; but that act which follows upon them is proximate matter: whereas the words themselves, or whatever takes their place, such as a sign of consent in Matrimony, are called form.

By the mode of a composite artificial thing; and then said matter and form, that is to say, both res and verba together have themselves as it were the nature of matter; but their significance has the nature of form. Here it is inquired about matter and form in their prior sense. 9. — Resp. 1. That the Sacrament may be valid, there must be such a conjunction between matter and form, for example, between the effusion of water and the pronouncement of words, that according to the estimation of men by common judgment, the nature of whatever Sacrament affects one from the other; namely, that the words are considered as falling into such a thing, and with it altogether constitute one total sign. See Boethius, De Institutione Arithmetica, lib. 1, quaest. 2, pag. 2. It is asked whether there should be a certain simulation required between the prolongation of the form and the application of the matter?

Besides the Eucharists, which absolutely require the simultaneity of the physical presence, since it is impossible for this stratum to be deferred here and now unless the matter is present, it is common not to consider the beginning of form and matter as simultaneous; nor are they commonly considered to be completed simultaneously; for it suffices that the form be brought forth while. VI. TREATISE. I. ON THE SACRAMENTS.

IN GENUS. CHAP. I. The matter is applied, at least before application ceases. Thus n. 41 n. 27. See De Sacris. Question I.

A. Third number, third question, second article. Response 2. And this seems not to be open to doubt, since in the Roman Ritual for the

administration of Baptism it is thus held: And with that (namely, the water) after threefold infusion... baptizes... saying thus: I baptize thee in the name of the Father + it founds first, and of the Son + it founds second, and of the Holy Spirit + it founds third. Therefore, since water is not infused in the word "baptizo," it is certain that there is no need from the beginning for the matter to be adapted to the form by the words.

It is asked, whether in the other Sacraments besides the Eucharist, it suffices for the moral simulacrum to begin immediately after the application of the matter, so that the form may be deemed sufficient? He denies at tractatus 16 where speaking of Baptism he requires for the validity of the Sacrament that the words be pronounced before the washing is completed or conversely, and this seems to indicate as well Scotus in ad 2. partem, secunda secundae, libri 2. Hereupon. But commonly they affirm: who completely refutes the opinion of Cajetan in book 1, doubt 33, which calls that improbable, part 3, note 9, 5th treatise, chapter 2, note 7; and 5th treatise, note 5, 4th treatise. Reply 6.

Ans. concerning question 3 and number 41. with Soto, and Granada. Reason, because in the composite morality, which is the Sacrament, sufficient is the moral similitude. And concerning this there seems to be no room for doubt: namely, as we have already said regarding Baptism, a washing is never performed when the act of baptizing is given, but the washing is verified only through moral union: and this union will be so much more moral if the washing takes place immediately before the form is absolved than if it takes place immediately after. This union, however, should nevertheless be diverse according to the diversity of the Sacraments, as correctly stated by the c. [Canon] Major; for a certain union is certainly required in Baptism, where the delay of reciting but one Pater Noster would invalidate the Sacrament, as they well say in Penitence, however, sufficient is that union which requires the act of judicial judgment, since there usually intervenes some temporal distance between accusation and sentence, although such a distance should not be so great in this Sacrament as it is in a forensic trial. But Crouet says, lib. 6, n. 8, cum.

Finally in Matrimony suffices that distance which ordinariably suffices in contracts, where it is enough that the consent of one be placed, while yet the consent of the other morally perseveres. This concerning the sacrament of penance and marriage seems to have been accepted by all. Regarding other Sacraments, viewed from the standpoint of reason, this seems to be morally certain; but in practice the first should be consulted for greater safety. Hence Lugo said: it is scarcely to be blamed a Priest who would again subject himself to ordination for the greater peace of his own soul

under condition. Whereupon resolves: 10. — « I. In Baptism, Confirmation, Unction, and Order, there is required such a conjunction that while the minister pronounces the words, he is morally considered to also wash, etc.

In Penitence, absolution can be deferred for a long time, congruent with in judgments, sentence after examination of the cause. 6 (See dict. moæ n. 9.) 6 « 3. In Matrimonio unius consensus potest alterius consensum tantiu sequi, quandiu hic moraliter permanere censetur: congruent in aliis contractibus. 11. — Resp. 2. That the Sacrament may be valid, there must not occur a substantial or essential mutation of matter or form; but an accidental mutation, even though it is often illicit, does not nevertheless render the Sacrament invalid. Moreover, substantial mutation of matter is said when, according to common usage and estimation of men, it differs both in name and in reality from that which Christ prescribed. Accidentalis dicitur, quando cum ea eumdem retinet usum et nomen.

Essential change of form is when the same sense does not remain: accidental, when it remains. . 5. Tr. I. c. 4. ex comm. ## Whereupon it is resolved: “I.” There is no Eucharistic Sacrament of the Eucharist if the matter is raw and consecrated, whether or not this differs substantially in species from bread, because it is commonly not considered or called bread. Moreover, if artificial waters are used in Baptism, because they do not have a common use and the name of elementary water, let them be physically such that their species do not differ. See below regarding Baptism. « 2.

The sacrament is valid, even though the water of baptism may be warm, etc. Item, if the Eucharistic bread should be blackened, leavened, etc., there is no sacrament on account of a defect in form. I. If certain letters are changed, varying the sense, which easily happens with initials, for example, in the name of the mother, daughter, etc. II. If a great interruption is made in the words, so that they do not appear morally to cohere. III.

If the form is pronounced separately, for example, one says, "I baptize you," and another in the name of the Father, etc., because there will be two imperfect forms, and a false meaning. c. 4. q. 5. See p. 1. "(The votes here Proposition 27. condemned by Alexander." Eighth. The baptism has at times been conferred in this form.

In the name of the Father, etc., omitting those: I baptize thee. The form is valid, even though it may not be licit. I. Valuit aliquando Baptismus, sub hac forma collatus, in nomine Patris, etc., prætermissis illis: ego te baptizo.

Forma valet, etsi non liceat. If you omit words that are not essential, for example, I, and Amen in Baptism: For in the form of that charity, Bon. d. 4. q. 3. p. 1. n. 9 et 10. ex Suarez, etc. II. If you add anything, for example, in the name of the Father who created you, etc. III.

If you substitute synonyms, for example, from this, for baptism 6 (So T. 3. p. q. 60. art. 8.). 6 IV. If you merely transpose it, so that: "This is my body"; "I baptize thee." V If you corrupt the words through cutting off, "This is my body"; I baptize thee. V.

TRACT. OF SINS. CHAP. III. ART. II. externally through signs excessively manifest. 2.

According to the object, so that if you should desire a punishment manifestly unjust for a cause, or if you should desire a greater just punishment, for example, by wishing for the death of an enemy who is not deserving of it, or to execute a punishment according to your own authority; finally, even though the punishment may be just, nevertheless you do not desire it as just but rather as satisfying for your malicious mind. Whereupon resolves: 1. If vindicta is appetited in an orderly manner, it is not a sin of anger: as when superiors are angered by the sins of subordinates and punish or vindicate them. Unordered anger, in the first manner as previously stated, is a sin venial by its own genus; yet it can become mortal through an accident, namely if blasphemy, malediction, or scandal are added. 80. — 3.

Inordinate anger, in the second manner, is from its own genus mortal; because it is directly contrary to charity. Baldo, lib. 3, dist. 21, § 4. Of the daughters of anger, which partly are from the heart, as Indignation and Swelling of the mind; partly from the mouth, as Clamor, Blasphemy, Contumely, Malediction; partly from the work, as Quarrel, Battles, Seditions, Wounds: it must be spoken of in different modes according to the rule above given. For 1. Indignatio, quæ est inordinatus affectus ex eo quod quis reputet se indignè à tali tractari, communiter est veniale; nisi ex justo rationis judicio procedat, nullum est.

However, it can nevertheless be mortal if it increases to deliberate hatred and contempt for a person of great gravity. 2. Tumor mentis, quo quis morosè excogitat diversas vias vindictæ, iisque cogitationibus animum tumefacit, quale sit peccatum judican- dum est ex qualitate vindictæ, quæ excogitatur. See. 8. c. 58. 3. Clamor, when the enraged one raises his voice, contains many things that are both out of order and confusedly poured forth; it is generally a venial sin, unless something else is added.

Blasphemy is mortal sin from which above in book 3, law 2 chapter 1. Number 5. Contumelia, qua quis proximo malum aliquod objicit cum intentione illum inhonorandi, est ex genere suo mortale. 81. — Dixi animo inhonorandi: quia animo corrigendi, humiliandi vel alio ratione, potest superior verbum aliquod alias contumeliosum objicere, quomodo Christus vocavit Apostolos stultos; et Apostolus Galatas insensatos. In quo tamen peccari potest, si modus debitae correctionis excedatur, vel subditus gravius dehonoretur quàm per delictum meruit. View.

Bald. d. 34. n. 16. Moreover, as Cajetan teaches, contumely can be merely venial, if it is merely slight, or if it is merely material, without any intention to dishonor; yet this does not necessarily entail a notable injury to the honor of the neighbor. And thus are excused, at least from mortal sin, many parents who call their children asses, etc.; likewise women, boys, and men of low estate who involve themselves in scandals: because as their faith is not held by others, their honor is not grievously injured. See Bon. l. 3. Question 2, Article 5.

Finally, if for the cause of play, by a suitable recreative activity, slight defects are objected, urbanity is, according to 5. Th. 2. 2. q. 72. art. 2. dummodo alter non contristetur, nec ad iram moveatur. 82. — « 5. Contumely is also committed by deed, both indirectly; as if you insult an image or letters of another, deface them; and directly, as if you beat a man of honor with rods, or add horns to his forehead, or represent something that damages the honor of another. This pertains to derision by means of signs, such as when one wrinkles the nose or stretches the lips, intending thereby to cause confusion in the neighbor; and if this be serious, or at least the neighbor grievously grieves thereat over it, they are mortal sins. L. 3. d. 3. etc. ex. St. Thomas Aquinas

Concerning which note this is, that he who through contumely has injured another's honor is bound to restore this, even though no fame has been injured. This, however, can be done either by a respectful and friendly greeting, or by an invitation to dine, or by a petition for forgiveness (even with frequent bending of the knees and before witnesses), according as the injury was grave. See. C. de Lugo d. 15. n. 53. Add that it is not necessary to explain the quality of mortal contumely in Confession, contrary to Sa and Mol.

C. de Lugo, d. 16. de pænit. n. 269. (Vide dicta l. 3. n. 984.) 83. — « 6. Cursus, per quem quis optat vel imprecatur alteri malum sub ratione malis, est ex genere suo mortalis. It teaches that article 3 of question 76 in book

2 states: "A malediction or imprecation against men, according to its own genus, is a mortal sin, and the more gravely it is, the more we are bound to love and revere the person against whom we maledict." It happens, however, that the word of malediction pronounced may be venial, either on account of the smallness of the evil which one imprecates upon another by maledic和平与发展是人类社会的共同追求，也是中国外交政策的核心目标。中国始终秉持相互尊重、公平正义、合作共赢的原则，推动构建新型国际关系和人类命运共同体。 From which doctrine the Sacred Doctor infers that a curse is mortal, three things are required: 1.

That a spoken evil may be earnestly desired. 2. That perfect deliberation may be desired. 3. That the opted evil may be serious. So commonly all together. See no. 28.

Whether, however, all curses be of the same kind. See above mentioned note no. 50. "7." Duelli, si modum non transgredientur, ut et levia pugnae, veniales sunt; sed si progressi sunt in seditiones, tunc vulnera, cædes. These are commonly sins of strife from the part of the beginning of the quarrel; for one person can defend himself with moderation against the incalculable protection. ## DUBIUM VII. ## What is Acedia? 84. — « Resp.

Acedia, sive animi tædium, potest ex parte 2. q. 35. art. 2. dupliciter usurpari. 1. Generally, for every relaxation of the soul in the exercise of virtues, insofar as it labors. FALSE. VI. TREATISE.

I. ON THE SACRAMENTS. IN GENUS. CAP. I. Others on the Sacrament: "It is a sensible, sacred, and permanent sign," instituted by Christ for our sanctification as an interior grace. And this definition is more fitting for c. 3 where the Sacrament is thus defined: Symbol of the Sacred Thing and of invisible Grace in visible form; it is called symbol or sign because this essentially pertains to the Sacrament, so that it may be a sign denoting the sanctifying Grace to us.

Sensible, id est sensibus patens. Sacred, id est with a Religious act. Remaining, so long as our Religion lasts. Interioris Gratiae, quia hoc est essentiale omni Sacramento, gratiam significare. Instituted, because, since a Sacrament is an arbitrary sign, it cannot effect nor signify sanctification, except by Divine institution.

To Christ I., for the distinction of Sacraments, as is the case with the use of blessed water, blessed bread, etc., which are instituted not by God but by the Church, and through the power of the Church's prayers excite pious

movements in the soul, by which God is moved to subsequently forgive sins. It is said 2nd from Christ, because although it is held that Sacraments are principally instituted by God alone, and not by Christ as man except as a moral and instrumental cause, since only God can attribute the power of sanctification to the Sacraments; Yet rather they say 4th and q. 1. art. 4. num. 1. with others, that Christ Himself also instituted the Sacraments as man by virtue of His excellence, received in reason of union with the Word; And this proposition is also p. q. 72. art. 1. ad 1., where it says: "To institute a new Sacrament pertains to the power of excellence which belongs only to Christ." It is said finally for our Sanctification; this also pertains to the essence of the Sacrament, as defined by the Council in Trid. sess. 7. can. 1. 5. — « 2. » Ex definitione talis Sacramenti excludi 1. Sacrificia, tam novae quam veteris Legis: quia hæc non sunt instituta ad gratiam ex opere operato conferendam; (etsi nihilominus sacrificium novæ legis sic eam impetret ei pro quo offertur, non ut Sacramentum, usu suo et applicatione, sed per modum impertrationis), sed ad cultum Deo præstandum.

Conc. d. 6o. Article 22. 2. Figures and sacraments of the old law, for example. Circumcisionem, transitum maris rubri, agnum paschalem, varias item purificationes et consecrationes Sacerdotum; tum quia à Christo non sunt instituta; tum quia veram sanctitatem non efficiebant. And yet, although Circumcision at times removed the original sin through true grace, it did so either by the work of the operator in adults, or not simply by the work done, and strictly speaking, both because it did not bring forth grace as a physical cause or as a moral one, since the passion of Christ had not yet been offered; and the merit from which grace depended was but through a special privilege; and also because it did not bring forth grace formally, that is to say, Circumcision itself, but rather as a profession of faith, neither by application nor use thereof; otherwise, it would have presented an obstacle in every respect, and indeed beyond all merit, which would be false.

See Phil. tr. 1 et 5. q. 8. c. 8.« 4. — But it is asked I. whether Circumcision was a true Sacrament. Resp. affirmatively ex communi, tum quia Circumcisio per se operabatur Sanctitatem, non internam sed externam, sive legalem; tum quia fideles consecrabantur ad veri Dei cultum. Thus. It is asked II. Does circumcision of itself remit sin?

Resp. negatively with Habert, who says that then adult faithful would not be cleansed from original sin or actual sin unless they had charity; but children are cleansed from original sin through the act of one ministering in faith or offering, as teaches S. Th. par. 3, q. 70, art. 4. According to which (as he says), this Faith regarded Christ as He was to come. 8. — “3.

Neither are the Sacraments those which are called Sacramentalia, for instance, the blessing of an Abbot, the consecration of a virgin; because precisely from their use and the work performed they do not confer grace: nor do the acts of virtues, except insofar as these are sensible. Lotionem pedum Apostolorum; insufflationem Christi in Apostolos, per quam Spiritum Sanctum illis dedit. Item verba Christi ad Magdalenam et Paralyticum: Remittuntur tibi peccata; quia non fuerunt signa instituta stabiliter ad gratiam conferendam.

5. Martyrium, on account of the same reason: for it is from the work wrought that grace may be conferred; yet it is not specially instituted for this purpose. » See Schol. » 6. — Plura hic adnotanda sunt: et notandum I. It is certain that there are seven Sacraments according to the Faith, and all instituted by Christ, as defined by the Council Canon i.

And these are also called Sacraments of the Dead, such as Baptism and Penance, which cause the first Grace, and therefore can also raise sinners from death. Others of Penances, such as are the Eucharist, and the rest. Nevertheless, this does not prevent the Sacraments of the living sometimes to confer the first Grace, namely when one thinking himself not in the state of mortal sin, or supposing himself contrite, adds the attrition with which he approaches the Sacrament, as St. Thomas says in III. p. q. 79. art. 3., where he states: "This Sacrament can nevertheless work the remission of sin even for him who has received it while in mortal sin, whose conscience and affection are not there; For perhaps at first he was not sufficiently contrite, but devoutly and reverently receiving this Sacrament, he will thereby obtain through it the grace of charity, which completes contrition and brings about the remission of sin." And the same is confirmed in question 72, article 7, ad 2. And the same is commonly taught by the Doctors concerning other Sacraments, as on page 43 and page 52, n. 29. 2. q. 3. et 12. cum. (contra Vasquez).

Lug. Session 7. Can. 6. dicitur: « Si quis dixerit Sacramenta novae legis... gratiam non ponentibus obiciens, non conferre... anathema sit. » Note well: he who puts an obstacle; therefore, whoever approaches the Sacrament of the living with contrition, which excludes both actual and habitual affection of sin, no longer puts an obstacle, and thus receives grace, according to chapter 194 LIB. V. Nota verbum obicem; ergo qui accedet ad Sacramentum vivorum cum attritione, quæ excludit affectum peccati tam actualem quàm habitualem, jam non ponit obicem, et ideo gratiam recipiet, modo 194 LIB.

TREATISE. OF SINS. CHAP. III. ART. II. "Let it be added that someone is joined. 2."

Especially with regard to sadness and weariness in respect to divine friendship, that which ought to be preserved through laborious exercise of virtues should not be neglected; thus, he does not care for that friendship. Hence it resolves: 1. Acedia accepted in the first mode is then a mortal sin, when thereby an act forbidden under mortal penalty is committed. Acedia accepta secundo modo ex se est mortale, quia repugnat charitati Dei. Ex quo de filiabus Acediae quoque facile judicari potest, quae sunt sequentes. 1. Malice, qua quis odit bona spiritualia et vellei ea non esse, aut qua ipsum pœnitet bene fecisse vel implevisse id ad quod temebatur, aut qua contemnit Dei Beneficium, v.g. desiderando non fuisse natum, aut non agnovisse Christum, etc., est autem ex genere suo mortale. Pusillanimity, and despair concerning salvation, which is also mortal.

Rancor, quo ii sunt fastidio, qui ad spiritualia inducunt. « 4. Languor, cum bona fiunt, non cum debito fervore. « 5. Deviation of the mind, by which one is distracted in the exercise of spiritual matters concerning illicit things; whether through contemplation, and it is called curiosity; or through speech, and it is called loquacity; or through unrest, and it is called perturbation; these are commonly venial sins. See D. 2, tom. 3, c. q., 8, c. 70. A mortal evagation of culpability will be when it is notable, and attention is required to fulfill a precept obliging under mortal sin: e.g., in reciting canonical hours, celebrating Mass, or hearing Mass. Reg. 1. p. 3. c. 6. dub. 1. contra sacrific. 1. 2. c. 3. ubi docet, volun-tarie distractum esse et per notabile tempus inter sacrificandum extra Canonem esse tantum veniale; licet concedat sub Canone, praesertim circa Consecrationem, esse mortale propter gravem irreverentiam et periculum erroris.

mortal, on account of grave irreverence, and danger of error. I have spoken in order to fulfill the precept: for in prayer there is either no precept, or only venial sin if under obligation; thus, S. Thom. No. 1. 2. c. 37. dist. Now, however, if one does not intend to pray with the words of prayer but rather occupies himself with a pious army in rectifying them: because he prays formally not at all, but only materially: for example, when someone while laboring with his hands recites or sings psalms or other prayers without the intention of praying, but with thoughts occupied by vain considerations or for recreation. . part. 2, l. 7, c. 2, dist. 31, 1, c. 7, dist. 10. See above [treatise] in book 4, chapter 2, question 2. LIBER SEXTUS. ON THE SACRAMENTS. - This book will contain six treatises: 1.

It is treated concerning the Sacraments in general. 2. On Baptism and Confirmation. 3. Of the Eucharist. 4. Of Penitence. 5. On Extreme Unction and Order. 6.

On Marriage. How is the Sacrament defined? And what is required for the essence of the Sacrament? — 2. Another more common definition of the Sacrament. — 3. Were they true sacrifices, figures, and sacraments of the old law?

What is to be noted about Circumcision? — 5. What else is excluded from the reason of the Sacrament. Many things are to be noted concerning the Sacraments. And in how many ways are the Sacraments distinguished? — 7. Whether the Sacraments cause grace physically or morally? 1. — « Resp.

It is a sensible thing, which by reason of Christ's established institution possesses the power of sanctity, or of producing grace and justification, and consequently of signifying; hence resolved: 1. Three things are required for the essence of the sacrament. That it may be a stable sign. 2. That it may signify true holiness. 3. That it may impute to itself by reason of the work done and through its own efficacy and application, per se, and not by reason of the work doing, that is to say, either through an act or disposition of the ministering or receiving party: which, although required for the effect of the Sacrament, nevertheless is not as a cause, but as a sine qua non condition.

The more I favor the common definition, which they transmit from LIE. VI. TREATISE. I. ON THE SACRAMENTS.

IN GENUS. CAP. I. Others on the Sacrament: "It is a sensible, sacred, and permanent sign," instituted by Christ for our sanctification as an interior grace. And this definition is more fitting to c. 3 where the Sacrament is thus defined: Symbol of the Sacred Thing and of visible Grace the form of the invisible. It is called a Symbol, or Sign, because this is essentially pertinent to the Sacrament, so that it may be a sign denoting to us the圣言已经被截断，无法继续提供翻译。 Sensible, id est patens sensibus.

Holy, that is, with a Religious act. Remaining, so long as our Religion lasts. Interioris Gratiae, quia hoc est essentiale omni Sacramento, gratiam significare. Instituted, because, since a Sacrament is an arbitrary sign, it cannot effect nor signify sanctification, except by Divine institution. To Christ I., for the distinction of the Sacraments, as is the case with the use of blessed water, blessed bread, etc., which are instituted not by God but by the Church, and through the power of the Church's prayers excite pious movements in the soul, by which God is moved to forgive subsequent sins.

It is said 2nd from Christ, because although Habert says that Sacraments

are principally instituted by God alone, not by Christ as a man, except as a moral and instrumental cause, since only God could attribute sanctifying power to the Sacraments; Yet rather they say better in Questions 4 and 1, Article 4, Number 1, with others, that Christ Himself also, as a man, instituted the Sacraments by the power of His Excellency, which He received through the reason of union with the Word; And this is also stated in Paragraphs Question 72, Article 1, ad 1, where it says: "To institute a new Sacrament pertains to the power of Excellency, which belongs only to Christ." It is said finally for our Sanctification; this also pertains to the essence of the Sacrament, as defined in canon 1. 5.—“2.” Ex definitione talis Sacramenti excludi 1. Sacrificia, tam novi legis quam veteris: quia haec non sunt instituta ad gratiam ex opere operato conferendam; (etsi tamen sacrificium novi legis sic eam impetret ei pro quo offeritur, non ut Sacramentum, usu suo et applicatione, sed per modum impetrationis), sed ad cultum Deo praestandum. Conc. d. 60.

Article 22. 2. Figures and sacraments of the old law, for example. Circumcisionem, transitum maris rubri, agnum paschalem, varias item purificationes et consecrationes Sacerdotum; tum quia à Christo non sunt instituta; tum quia veram sanctitatem non efficiebant. And yet, although Circumcision at times removed the original sin through true grace, it did so either by the work of the operator in adults, or not simply by the work done, and strictly speaking, both because it did not bring about grace as a physical cause or as a moral one, since the passion of Christ had not yet been offered; and the merit from which grace depended, but only through special privilege; and also because it did not bring about grace formally, that is to say, Circumcision itself, and according to its institution, but rather as a profession of faith, neither by application nor use thereof; otherwise, it would have presented an obstacle in every respect, and indeed beyond all merit, which would be false. See Phil. tr. 1 et 5. q. 8. c. 8.« 4. — But it is asked: I. whether Circumcision was a true Sacrament.

Resp. affirmatively ex communi, tum quia Circumcisio per se operabatur Sanctitatem, non internam sed externam, sive legalem; tum quia fideles consecrabantur ad veri Dei cultum. Thus. It is asked II. Does circumcision of itself remit sin? Resp. negatively with Habert, who says that then adult faithful would not be cleansed from original sin or actual sin unless they had charity; but children are cleansed from original sin through the act of one ministering in faith or offering, as teaches S. Th. par. 3, q. 70, art. 4.

According to which (as he says), this Faith regarded Christ as He was to come. 8. — “3. Neither are the Sacraments those which are called Sacramentals, for example, the blessing of an abbot, the consecration of a virgin; because precisely "they do not confer grace through their use and

the work performed: nor do the acts of virtues, except insofar as these latter are sensible." Lotionem pedum Apostolorum; insufflationem Christi in Apostolos, per quam Spiritum Sanctum illis dedit. Item verba Christi ad Magdalenam et Paralyticum: Remittuntur tibi peccata; quia non fuerunt signa instituta stabiliter ad gratiam conferendam. Martyrium, on account of the same reason: for it is from an act performed that grace is conferred; yet it is not specially instituted for this purpose. See Schol.

6. — Plura hfc adnotanda sunt: et notandum est I. It is certain that there are seven Sacraments from the Faith, and all instituted by Christ according to the definition of the Council Canon i. And these are also called Sacraments of the Dead, such as Baptism and Penance, which cause the first Grace, and therefore can also be received from sin. Another are the Sacraments of the Altar, such as the Eucharist and the other remaining ones. Nevertheless, this does not prevent that even the Sacraments of the living sometimes confer the first Grace, namely when someone thinking himself not to be in the state of mortal sin, or supposing himself contrite, approaches the Sacrament with contrition, as St. Thomas says in III. p. q. 79. art. 3., where he states: "This Sacrament can nevertheless work the remission of a sin... even perceived by one who is in mortal sin, whose conscience and disposition are not such; for perhaps at first he was not sufficiently contrite, but devoutly and reverently approaching it, he will thereby receive through this Sacrament the grace of charity, which will complete his contrition and bring about the remission of the sin." And the same is confirmed in q. 72. art. 7., ad 2.

And the same is commonly taught by the Doctors concerning other Sacraments, as on page 43 and page 52, n. 29. 2. q. 3. et . 12. cum . (contra Vasquez. Lug. Session 7. Can. 6. says: "If 'anyone shall say that the Sacraments of the New Law... do not confer grace by placing an obstacle, they shall be anathema." Note the word "ponentibus"; therefore, he who approaches the Sacrament of the living with attrition, which excludes both actual and habitual affection of sin, no longer sets an obstacle, and thus receives grace, according to 1 Q 8.

BOOK I TREATISE. I. DISACRAMENTUM

ENGENDERING. CAP. I. haveavowofPenance. This is confirmed by the example of Extreme Unction, which weakens, it employed S. James: Si in peccato sit tremendum reiimet; id est, ut semit D. Th. 3. p. q. 30. art. I.) rosin is given against the defects of the sins past and future: "But if so." (Then he added.)

Doctor: hoc robur gratia facit, quæsecum non compatitur peccatum; ideo ex ens sequenti, si invenit pecatum aliquod vel mortale, vel veniale, quoad culpam, tollit ipsum, dummodo non ponat urobex ex parte recipientis. It is to be noted II. Other Sacraments are said to be Trunseuntia, others Characteristica, imprinting a character, as Baptism, Confirmation and Orders; character is named a spiritual mark, whereby it is distinguished from seals. Notandum III. Other Sacraments are necessary for necessity of means at least implicitly, namely Baptism and Penance; others verboten also from precept.

Moreover, the Sacrament of the Eucharist is necessary either by means of necessity mediis saltem by an implicit vow? Examine the Eucharist in fn. 1 g 2. It is to be noted IV. Sacraments are called Formed when in the recipient there is effected their own form; but Informing, although they are valid indeed, yet without their own effect, and so neither receiving Baptism without actual mortal sin, receding from grace, the Sacrament immediately causes grace. This is certainly true concerning Baptism, as commonly teach the doctors.

Th. 3. P. Q. 6 Q. Art. 1 0. Scolastica E. 4. q. 5. n. 4 et 8. ex D. Aug. l. 1. de Bap. c. 12. ubidocet. « ( ) what is given, begins to be efficacious, when either fiction or falsehood - » requires a reflective consideration. "Contin." Tourn. t. 4. p. 1 7 7. . c. 5. n. 5 3. et alias passim contra Vasquez.

Reason, because baptism is a necessary medium to be added to original sin, but since it cannot be received any longer, neither actually nor by vow, which vow tends towards what can be received; therefore, cessation is, so that having been removed, it may not revive. They probably extend it, Tourn. p. 177. concl. I. item Palad. Syllogism from page . 6 to page . 7 concerning Sacraments of Confirmation and Orders, which are conferred upon those who are present, and others who might have been absent would have received sacramental grace, both necessary for faith to be professed, and ordained for the exercise of sacred ministry. The same [person] probably extends Tourn. to Ma-trimonia, and to Extreme Unction with S.

Thom. et S. Good. They speak the same. Lugo, Confessor of Penance; they deny however from Eucharistia, against Cajetan. Gonzal.

Peter. Sot. etc., quorum sententiam probabiles vocant. c. Notandum V. The sacraments, which exceed grace and sanctify the soul, confer at the same time grace through the reception of the sacrament, namely the assistance necessary to obtain the end for which each sacrament was instituted, so

that S. Thom. 3. p. q. 6 2. art. 2. To be noted VI.

Sacraments are operated by the operation of the work, through the efficacy of the conjunction of the form with matter and the application to both recipients from institution; hence the act by the operation of the worker or recipient of the sacrament, although it causes a disposition of grace if man is in grace, nevertheless does not cause grace which is conferred by the sacrament; therefore the act has the nature of the sacrament of the New Law. DOUB. II. 199 are marveled at only insofar as dispositions for the reception of the Sacrament are present. S. Th. 3. p. qu. 60. art. 8. 7. — The great question is debated among doctors: whether Sacraments cause grace instrumentally physically or morally? page 215. conclusion 2. with Vasquez and Lagrange holding that it causes morally, namely, because they move God to cause physical grace. Reason, because grace seeks to be produced efficiently by God alone, and hence it is not necessary here to add a miracle, namely what the Sacraments themselves contribute to cause grace.

Sabm. tamen de num. 21. cum . Pell. et alii tenent causare instrumentaliter physice: ut per eas illae naturales potentiae obedientiales eleventur ad effectum supernaturalem, et probant ex illo: «Nisi quis renatus fuerit ex aqua, etc.» Hoc enim magis decet Sacramenta. Both opinions are sufficiently probable. Consult the Scholastics if you desire to inquire further about this question, since it is not inherently impossible. SECOND DOUBT. Concerning the matter and form of the Sacraments to be observed? 8. In how many ways is the Sacrament to be taken? — 9.

What conjunction is required between the form and the matter? — 10. See Resolutions. — 11. What mutation will invalidate the Sacrament? See the Resolutions according to Busemb. — 12. Whether in all the matter and form of the sacraments Christ has determined them in a particular species? 8. — "I suppose that the sacrament is taken in two senses. 1.

By me—while composed physically, in which there is a sensible thing and addition (for example, in Baptism water and ablution; in Unction oil and anointing—are called matter; indeed, oil and water are remoter matter; but that actio is proximate matter: while the words themselves, or what is put in their place—such as in Matrimony a sign of consent—are called form. 2. By means of a composite artificial thing; and then said matter and form, that is to say, both substance and words, have themselves in the manner of matter; but their significance has itself in the manner of form. Here it is inquired about matter and form in their prior sense. 9. — « Resp. 1. That the Sacrament may be valid, there must be such a conjunction between matter and form, for example, between the effusion of water and

the pronouncement of words, that according to the estimation of men in regard to the nature of any Sacrament, one affects the other; namely, that the words are considered as falling into such a thing, and with it together constitute one entire sign. See Bonaventurae, de第一节似乎被错误地分段了。请明确一下是哪几节的内容？

It is asked whether there should be a simultaneous requirement between the pronouncement of the form and the application of the matter? Besides the Eucharists, which absolutely require a simulated physical presence, since the pronoun "this" and "here" cannot be verified unless the matter is present, it is common to hold that form and matter should not begin simultaneously nor end simultaneously; for it suffices that the form be brought forth while 200 • LIB. VI. TRACT. I.

ON THE SACRAMENTS. IN GENUS. CHAP. I. The matter is applied, at least before application ceases. Thus • n. 41 n. 27. See De Sacris.

Question I. A. Third number, third question, second article. Response 2. And this seems not to be open to doubt, since in the Roman Ritual at the administration of Baptism it is thus held: And with that (namely, water) under triple infusion... baptizes... saying thus: I baptize thee in the name of the Father + it is poured first, and of the Son + it is poured second, and of the Holy Spirit + it is poured third.

Therefore, since water is not infused in the word "baptizo," it is certain that there is no need from the beginning for the matter to be adapted to the form by words. It is asked, whether in the other Sacraments besides the Eucharist, as we have said, sufficiency of moral intention alone is enough, so that the form may be considered begun immediately after the application of the matter? He denies, in tractatus 16, where speaking of Baptism, that for the validity of the Sacrament it is required that the words be pronounced before the washing is completed or conversely, and this seems to indicate as well Scotus apud p. D. 2. sect. 2. v. Herefore. But commonly they affirm: who completely refutes the opinion of Cajetan in book 1, doubt 33, which calls that improbable, part 3, note 9, 5th treatise, chapter 2, note 7; and 5th treatise, note 5, 4th treatise.

Reply 6. Ans. concerning question 3 and number 41. with Soto, and Granada. Reason, because in the composite morality, which is the Sacrament, sufficient is the moral similitude. And concerning this there seems to be no room for doubt: namely, as we have already said regarding Baptism, a washing is not always performed when the word "baptize" is pronounced, but the washing is verified only through moral union; and

this union will be so much more moral if the washing takes place immediately before the form is absolved than if it takes place immediately after. This union, however, should be diverse according to the diversity of the Sacraments, as correctly stated by the c. [Canon] Major; for a certain union is certainly required in Baptism, where the delay of reciting but one Pater Noster would invalidate the Sacrament, as they well say; but in Penance that union suffices which requires the act of judgment, since there usually intervenes some temporal distance between accusation and sentence, although such a distance should not be so great as it is in a judicial forum.

Croix dicit autem, l. 6. n. 8. cum. Finally, in Marriage suffices that distance which ordinarily suffices in contracts, where it is enough that the consent of one be placed, while yet the consent of the other morally perseveres. This concerning the sacrament of penance and marriage seems to have been accepted by all. As regards the other Sacraments, viewed from the reason thereof, the judgment seems morally certain; but in practice it should first be considered more secure. Hence merit he said Lugo. l.c. n. 3. minimè to sin a Priest who for the greater peace of his own soul would again subject himself to ordination under condition. Whereupon resolves: 10. — « I.

In Baptism, Confirmation, Unction, and Order, there is required such a conjunction that while the minister pronounces the words, he is morally considered to also wash, etc. In Penitence absolution can be deferred for a long time, congruent with in judgments sentence after examination of the cause. 0 (Vide dict. mov n. 9.) 0 « 3. In Matrimonio unius consensus potest alterius consensum tantiu sequi, quandiu hic moraliter permanere censetur: congruent in aliis contractibus. 11. — Resp. 2. That the Sacrament may be valid, there must not occur a substantial or essential mutation of matter or form; but rather an accidental mutation, even though it is often illicit, it nevertheless does not render the Sacrament invalid. Moreover, substantial mutation of matter is said when, according to common usage and estimation of men, it differs both in name and in reality from that which Christ prescribed.

Accidentalis dicitur, quando cum ea eumdem retinet usum et nomen. Essential change of form is when the same sense does not remain: accidental, when it remains. . 5. Tr. I. c. 4. ex comm. ## Whereupon it is resolved: “I.” There is no Eucharistic Sacrament of the Eucharist if the matter is raw and consecrated, whether or not this differs substantially in species from bread, because commonly it is not considered or called bread. Moreover, if artificial waters are used in Baptism, because they do not have a common use and the name of elementary water, let them be

physically of a species that does not differ.

See below concerning Baptism. « 2. The sacrament is valid, even though the water of baptism may be warm, etc. Item, if the Eucharistic bread is blackened, leavened, etc., there is no sacrament on account of a defect in form. I. If some letters are changed, altering the sense, which easily happens with initials, e.g., in the name of the mother, daughter, etc. II. If a great interruption is made in the words, so that they do not morally appear to cohere.

III. If the form is pronounced separately, for example, one says, "I baptize you," and another in the name of the Father, etc., because there will be two imperfect forms, and a false meaning will result. c. 4. q. 5. See p. 1. Note here Proposition 27: condemned by Alexandra. VIII.

The baptism has sometimes been conferred in this manner. In the name of the Father, etc., omitting those: I baptize thee. The form is valid, even if it is not licit. I. Valuit aliquando Baptismus, sub hac forma collatus, in nomine Patris, etc., praetermissis illis: ego te baptizo. Forma valet, etsi non liceat. If you omit words that are not essential, for example, I, and Amen in Baptism: For in the form of that charity, Bon. d. 4. q. 3. p. 1. n. 9 et 10. ex Suarez, etc. II.

If you add anything, for example, in the name of the Father who created you, etc. III. If you substitute synonyms, for example, instead of baptism, with this, etc. (So in St. Thomas 3.) p. q. 60. art. 8.). 0 IV. If you merely transpose it, such that: "This is my body"; "I baptize thee." V If you corrupt the words through cutting off and stammering: for example.

This is my body, or rather, this cup is my chalice. VI. If a small interruption occurs, for example. I thee baptize, and it is interposed, this water is excessively cold, or Guardian turn the leaf. In the name of the Father, etc. Fill. l. c. Vide Bon. l. c. » (Idem docet Lugo D. 2. n. 111. q. 4.

R. 1. when: invalidates the form, unless it is momentary; as in Croix l. 6 p. 1 n. 33. Long cough (supposedly through medium quadrant) among words certainly invalidates the form. Croix ibcum . Now however whether in the matter and form of each individual sacrament the change be substantial or accidental, see below, where we treat of these matters individually. » » »

It is certain that Christ determined the species of matter and form for Baptism and the Eucharist. Therefore, the doubt concerns other Sacraments. The first opinion holds that to be improbable, and this they maintain according to no. 48. Lugo and the same title. D. 2. from n. 84. . 2. p. 3. n. 11.

Cross chapter 6. page 2. number 2135. likewise Saint Thomas volume 7. page 41. The sole reason for this doctrine is the diversity of the Greek and Latin Churches in the administration of other Sacraments, especially in Ordination; for in the Greek Church Ordination is conferred through mere: maximum disposition: whereas in the Latin rite besides imposition of hands there is required: tradition of things, as stated in the Decree of Eugenius IV to the Armenians, referred to by Croix at l. 6, p. 2, n. 2128 where it is thus stated: "Sixth (Sacrament) is Ordination, congruent with matter is that" through whose tradition Ordination is conferred; congruent with Presbyterate is the tradition of the calix with wine and paten with bread laid out"; but with regard to Diaconate it is by giving of books of the Gospels; and Subdiaconate by placing a calix empty with an empty paten above; similarly for others through the assignment corresponding to their ministries. The second opinion, however, more probable affirms that all materials, and even as regards their substance and forms, were in species determined by Christ. They hold this, Juuin, l. c., p. 23, n. 10. Author p. 21.

Habert, pag. 147. et alii plures cum p. q. 60. art. 5. qui non potest negari esse pro hac sententia significem hanc tradit rationem: « Quia ergo » sanctificatio hominis est in potestate Dei sanctificantis, non pertinet ad hominem suo judicio assumere res quibus sanctificetur; sed hoc debet esse ex divina institutione determinatum. And therefore in the Sacraments of the New Law, by which men are sanctified (according to that saying, 1. Corinth. 6. You have been abhuti-ed, you have been sanctified; it is necessary to use things determined by divine institution. The Sacred Doctor cannot be explained regarding the determination in general, which can be signified by various signs; for it expressly teaches the opposite, saying: Even though the same thing can be effected through diverse signs according to the nature of the New Law's Sacrament.

DUB. II. To signify in what manner a determination in general could be indicated by various signs (en qualis esset determinatio in genere), yet to determine as to which sign should be used (en determinatio in specie) pertains to the Significator; but God is He who signifies spiritual things to us. Regarding however the diversity of the Greek and Latin Churches, especially (as we have said) in the Sacrament of Orders, it is responded that the tradition of instruments is not essential matter but merely

accidental, even though it is integral. To the Decretum of Euge- nius, Habert responds that it was issued after the dissolution of the Council; but this response is worthless, for we have already sufficiently approved it in Book 1, article 110. The decrees of the Pontiffs are per se infallible.

Therefore more appropriately is it responded to Merbesius, Concina, and those others who assign essential material to other Sacraments, thus in this case regarding Order, saying: "Sixth is the Order whose matter is that through which the Order is confirmed." I respond: If this is true, it would follow that even the sacramentality would be certain for any lesser orders; but themselves [i.e., the minor orders] confer ordination even by abbots. Nor is it valid to say with Vasquez. Major. et aliis apud Palatinum tractatus secundus decas septima. D. un. p. 14. n. 10. quod in eodem Decreto Eugenii Episcopus vocatur Minister ordinarius Sacramenti Ordinis: ergo (ut aiunt) possunt ex privilegio etiam alii, quam Episcopi, esse ministri hujus Sacramenti.

For it is replied that if this were the case, the office of presbyter could sometimes be conferred upon one who was not a bishop; but this is commonly rejected, whatever Vásq may say. Wherefore it must be said that when Eugenius named the ordinary minister of this sacrament, he undoubtedly understood himself to speak in accordance with the sense of the Decretals and the constant tradition of the Church, namely, that the conferring of the orders of priesthood and diaconate is properly reserved to the Bishop; whereas the lower orders, as not being sacraments, can be committed to others. Hence Eugenius is deemed not to have dogmatically asserted all things when speaking of the Sacrament of Orders, but rather to have accommodated himself in many respects to the common mode of speech, by which things in the seven Ordinatures are expressed as the distinctive marks of each individual Order, and commonly called the sacred matter of priesthood. ## CAPUT II. ## OF THE MINISTER OF SACRAMENTS. ## DOUBT I. ## What is required that the minister may validly administer the Sacrament? 13. For the validity of the Sacrament, there is required Power and the Intention of the Minister,—14. Whether attention is also required in the Minister? — 15.

How can the intention be triple-fold? — 16. The habitual or interpretative intention is not sufficient in the Minister. — 17. Non requiritur Actus actualis. — 18. Virtualis sufficit. — 19. Does a coerced intention suffice?

Or with error regarding the person receiving it? — 20. Is an internal intention of the Minister required for the validity of the Sacraments? And I. whether it suffice that there be merely the intention of performing the external action? — 21. II Whether an intention to perform what the

Roman Church performs is required for validity of Sacraments? — 22. III.

Is an explicit intention required for making the Sacrament or for producing the effect of the Sacrament? And whether the sacred external rite of celebration should be used? — 23. Whether the minister must have the intention of performing a sacred rite which the Church intends? — 24. If the minister has two contrary intentions, which one should prevail? — 25. See the Resolutions of Busembai. — 26.

Whether a sacrament is rendered valid when conferred under a condition? — 27. Is it permissible to confer the character印完 Whether other Sacraments as well? — 29. In extremis necessitatum proximi minister possit et teneatur ministrare sacramentum cum sit materia dubia? 13. — « » sess. 7. can. 11. The reason for the previous part is because the Sacraments are operated by divine virtue, not by the disposition of the Minister; but according to the institution and merit of Christ.

The reason for the latter is that for the confecting of the Sacrament such an intention is required which determines the action to be sacramental and removes indifference from words and actions; but such an intention would not be merely the intention of the external action, which could perhaps refer to other ends, e.g., to play. 14. — Quæritur I. In the Minister of the Sacraments, besides intention, there is also required attention, that he may validly confer them? La Croix affirms l. 6. p. 1. n. 84. Otherwise (as he says), the confectio of the Sacrament would not be a human action, performed in a human manner.

From this opinion, if it were probable, it would indeed follow that a Minister voluntarily distracting himself would not confer the Sacrament; but this does not seem capable of standing, and therefore La Croix himself, n. 85, confesses that it is scarcely possible for the Sacrament to be invalidated through distraction, because there always remains virtual attention, unless the distraction be total. Therefore, this opinion seems to me extremely improbable, and I have not found it transmitted by any other author; for all say that, besides the matter and form, nothing else is required for the value of the Sacrament except the intention of the Minister, as defined by the Councils, which we shall refer to below in n. 23. Nor is it improper to say that that action is not a human act performed without attention; for although, insofar as a man performs an act in a human manner, it is required that he attend to what he intends to accomplish, yet it is not required that he actually attend when the work is carried out. Si autem haec necessario attentio requirere- tur, nec etiam consequenter sufficeret (ut non rectè supponit Croix) attentio virtualis. For according to what has been said in book 4, number 177.

Reason: this virtual attention is neither given nor can it be understood, because since attention is an act of the intellect considering what a man does, necessarily it imports that the intellect actually advert; hence it cannot properly be said that the intellect virtually considers when it does not consider, just as it cannot be said that a man virtually attends when he does not attend but is otherwise distracted. Here it teaches excellently the most excellent Father P., in D. 12, section 3, verse. I say: 1. that even though distracted, the Minister truly completes the Sacrament; "Because (as he says) his action is simply human and free, and proceeds from a prior intention." Whether, however, the minister sins gravely by voluntarily distracting himself while making the sacrament? All say that the minister sins at least venially; and see page 134, verse.

From these, one doubts whether he sins mortally; but he probably denies this, citing Croix, n. 85, together with Gobat and the common opinion, unless there be danger of error especially in longer forms. However, they probably say that a voluntary distraction is mortal in the making of the Eucharist, p. 513. n. 13. and . Miss. l. 2. c. 13. n. 8. (contra Croix l. 2. p. 2. n. 443. et Mazz. tom. 3. pag. 212., qui tenet probabile esse quod sit tantum venialis). Ratio, quia distraction in tali Sacramento videtur non carere gravi irreverentia. 18. — Quæritur II. In how many ways can there be an intention? Intentio potest esse vel actualis, vel habitualis, vel interpretativa, vel virtualis.

It is actual when one actually intends to bring about the sacrament. It is habitual when one previously had an actual intention and did not revoke it, but no longer considers that, nor does it remain in any effect. Interpretatio is, when one has no actual intention and never had any actual intention, but is disposed in such a way that, if circumstances were to change, he would have it. Virtualis demum est, cùm quis licet hic et nunc non intendat actualiter conficere Sacramentum, agit tamen virtute actualis intentionis habitae, prout si quis habens intentionem Sacramentum Eucharistiae conficiendi, adeat Ecclesiam, dicat Missam, et consecret. 16. — His positis, dicendum est: ad conficienda et conferenda Sacramenta non sufficere in Ministro intentionem habitualem, aut interpretationem. This so that it is commonly taught: p. D. 13. sect. 3. p. 119. concl. 1. p. 85. num. 4. p. 5. n. 22.

Way of the Sacrament q. 1. a. 4. n. 6. Cross bi. 6. p. 1. n. 56 and 57. 1 c. 7. n. 42 et alii passim. Reason, because such intentions do not make the action to be elicited in a human manner, as is required in the minister from whom the Sacraments proceed as from an operating cause. 17. — It must be said that no actual intention is required in the minister. The same

is also certain among all with S. Thom., III Pars, q. 6, art. 4, ad 3. Reason of the Saintly Doctor: But this (namely, actually attending) is not totally placed in human power, because besides intention, when man wishes to attend much, he begins to think about other things. It must suffice that the Minister have a virtual intention; for through this he truly operates in a human manner, since such an intention is a true cause of the action.

That is likewise common and certain with . c. p. 133. concl. 2. Concile, tomo VIII, pagina 86, numero 4. Lugo de Sacr. Doctor 8., n. 74. Wigodis tractatus undecimus.

That 4. n. 32. R. 2. p. 6. n. 12. c. q. 3. et alii ex c. ubi sic docet: Licet ille qui aliud cogitat non habeat actualem intentionem, habet tamen habitualem, quae sufficit ad perfectionem Sacramenti. As to habitual intention, the Holy Doctor undoubtedly understands it in a formal sense, for immediately after he says: "Suppose that the Priest approaches to baptize," he continues: "he intends with regard to the one to be baptized what the Church does," whence if afterwards his actual thought is drawn away to other things, by virtue (note) of the primary intention, the Sacrament is perfected. Hence rightly do they say: 4. num. 6. and Croix. lib. 7. p. 1. num. 59. cum Abelly, Gammach et Mauro, that if a Minister habitually places the required actions for the Sacrament, unless he positively excludes the debitam intentionem, he imprudently doubts about it, because at least he wishes to do what otherwise he would, and what other Ministers do. Add, quia per hoc quod cognoscit actionem illam esse sacram et frustra non ponendum, exercitè intendit eam ponere juxta finem suum, ut l.c. Quare advertunt Bellarm.

Henry. Croix, et non esse opus ut Minister ore vel corde reflexè dicat se intendere conficere Sacramentum, sed sufficere ut sit animo praesens et attentè faciat id quod facit. 19 — Sufficit etiam intentio Ministri coacta sive metu ex-torta praeterquam in Matrimonio ut rectè dicunt Croix n. 60 et Lugo D. q. n. 131 quia metus non tollit voluntarium; sicque definitum refert Lugo in c. 56. Nemini invalidat Sacramentum, salvo Matrimonio, errorem Ministri circa personam suscipientis, scilicet si Minister putans absolvere Petrum, absolvat Paulum, ut cum communiter docent Suarez. D. 13. sect. 3. infine, et Lug. D. 8. n. 114. However, nevertheless, the Minister does not attach his intention to a determined other person; this regularly happens except in Matrimony. — Question None

III. Intentio interna Ministri requiratur ad validitatem Sacramentorum? It must be said that it is not sufficient to have merely the intention of performing an external action; but rather, there is a requirement for the intention of performing what the Church performs. This is of faith against

Luther, who said that it sufficed merely to have the intention of placing the exterior rite, even if performed in jest; thus: If anyone shall say that in Ministers, while they are conferring and celebrating the Sacraments, there need not be at least the intention of doing what the Church does, let him be anathema. Moreover in Session 14, can. q. it is held: If anyone says that the sacramental absolution of a Priest is not a judicial act, but merely a ministerial function of proclaiming and declaring remitted to him the confessed sins, provided only he believes himself to be absolved, or the Priest absolves him in jest; or if anyone says that confession on the part of the Penitent is not required so that the Priest may absolve him: let anathema be pronounced against such a one.

The same is found under Eug. IV. t. 19. ubi dicitur: Omnia Sacramenta tribus perficiuntur, videlicet rebus tanquam materia, verbis tanquam forma et persona Ministri conferentis Sacramenta cum inten- tione faciendi quod facit ult., ubi praescriptum fuit: Ut suspectus de haeres interrogatur, an credat quod malus Sacerdos, cum debita materia et forma, et cum intentione faciendi quod facit Ecclesia, verè conficiat et conferat Sacramenta? The reason for this doctrine is that the action of the minister should be referred to the ministry; but an action performed in jest does not pertain to sacred ministry, but only to derision. Lutherus dicebat sufficere actionem jocosam, eo quod ipsa adhuc satis erat ad fidem excitandam; sed hoc principium patet esse falsum, nam in pueris nequit fides excitari, et tamen jam ipsi capaces sunt Baptismi. 21. — Dicendum II. non requiri intentionem faciendi quod facit Ecclesia Romana, sed sufficere intentionem faciendi quod facit vera Ecclesia à Christo instituta. It is equally certain, because those who are baptized by Heretics, who do not believe the Roman Church to be the true Church, are not to be rebaptized.

Sylvius autem hoc bene advertit (in III. part. quaest. 64. art. 8.): Quòd si quis nollet facere quod Ecclesia Romana facit, etiamsi esset vera Christi Ecclesia, Sacramentum non subsistit, quia revera non habet intentionem faciendi quod Christus instituit. Reason, because (as was said above) it is sufficient the intention of doing what the Church does. Thus commonly. p. D. 64. Section 8. a 8. t. 6. p. 145. and its continuator t. 4. p. 86. p. 84. ex n. 1. . 30. dama. ab. n. 1. et alii omnes ex . Distinction 6, Question 1, Article 3, Question 2 ad 1, where it teaches that Baptism may be validly conferred, even though he who does not believe that Baptism is a Sacrament or have any spiritual virtue does not intend it, 206 LIB.

 or interpretation. This is commonly taught thus: p. D. 13. sect. 3. p. 119. concl. i. p. 85. num. 4. p. 5. n. 22. qu. 1. a 4. n. 6. Cross lib. 6. p. 1.

n. 56 and 57. i. c. 7. n. 42 et alii passim. Reason, because such intentions do not make the action to be elicited in a human manner, as is required in the minister from whom the sacraments proceed as from an operating cause. 17. — To be said II: it does not require in the minister an actual intention. The same is also certain among all with St. Thomas, III Part., Q. 64, Art. 8, Ad 3.

Reason of the Saintly Doctor: But this (namely, actually attending) is not totally placed in human power, because besides intention, when man wishes to attend much, he begins to think about other things. Therefore it suffices that the Minister have a virtual intention; for through this he truly operates in a human manner, since such an intention is a true cause of the action. That is equally common and certain with . c. p. 133. concl. 2. Concile, tomo 8., pagina 86., numero 4. Lugo de Sacr. Doctor 8., n. 74.

Wigodis tractatus undecimus. From the Decretals, lib. 8, dist. 74, can. 32. R. 2. p. 6. n. 12. c. q. 3. et alii ex c. ubi sic docet: Licet ille qui aliud cogitat non habeat actualem intentionem, habet tamen habituatem, quae sufficit ad perfectionem Sacramenti. As for habitual intention, the Holy Doctor undoubtedly understands it in a formal sense, for immediately after he says: "Suppose that the Priest approaches to baptize," he continues: "he intends with regard to the one to be baptized what the Church does," whence if afterwards his actual thought during the very exercise is drawn away to other things, the Sacrament is perfected by reason of (note) the primary intention. Hence rightly do they say: 4. num. 6. and Croix. lib. 7. p. 1. num. 59. cum Abelly, Gammach et Mauro, that if a Minister habitually places the required actions for the Sacrament, unless he positively excludes the debitam intentionem, he imprudently doubts about it, because at least he wishes to do what otherwise he would, and what other Ministers do.

Add, quia per hoc quod cognoscit actionem illam esse sacram et frustra non ponendum, exercitè intendit eam ponere juxta finem suum, ut l.c. Quare advertunt Bellarm. Henry. Croix, et non esse opus ut Minister ore vel corde reflexè dicat se intendere conficere Sacramentum, sed sufficere ut sit animo praesens et attentè faciat id quod facit. 18 — Sufficit etiam intentio Ministri coacta sive metu ex-torta praeterquam in Matrimonio ut rectè dicunt Croix n. 60 et Lugo D. q. n. 131 quia metus non tollit voluntarium; sicque definitum refert Lugo in c. 56. Nemini invalidat Sacramentum, salvo Matrimonio, errorem Ministri circa personam suscipientis, scilicet si Minister putans absolvere Petrum, absolvat Paulum, ut cum commune docent Suarez. D. 13. sect. 3. infne, et Lug.

D. 8. n. 114. However, nevertheless, the Minister does not attach his

intention to a determined other person; this regularly happens except in Matrimony. — Question NoneIII. Intentio interna Ministri requiratur ad validitatem Sacramentorum? It is said that merely the intention of performing an external action is insufficient, but rather the intention of performing what the Church performs is required. This is of faith against Luther, who said that it sufficed merely to intend the external rite, even if performed in jest; thus: If anyone shall say that in Ministers, while they are conferring and administering the Sacraments, there need not be at least an intention of doing what the Church does, let him be anathema.

Moreover in Session 14, canon 9, it is stated: If anyone says that the sacramental absolution of a Priest is not a judicial act, but merely a ministerial pronouncement and declaration of remitted sins to one who confesses, provided only he believes himself to be absolved, or the Priest absolves him in jest rather than seriously; or if anyone says that confession of the Patient is not required so that the Priest can absolve him: let anathema be pronounced against such a person. The same is found under Eug. IV. t. 19. ubi dicitur: Omnia Sacramenta tribus perficiuntur, videlicet rebus tanquam materia, verbis tanquam forma et persona Ministri conferentis Sacramenta cum inten- tione faciendi quod facit ult., ubi præscriptum fuit: Ut suspectus de haeres interrogatur, an credat quod malus Sacerdos, cum debita materia et forma, et cum intentione faciendi quod facit Ecclesia, veri conficiat et conferat Sacramenta? The reason for this doctrine is that the action of the minister ought to be referred to the ministry; but an action performed in jest does not pertain to the sacred ministry, but only to derision. Lutherus dicebat sufficere actionem jocosam, eo quod ipsa adhuc satis erat ad fidem excitandam; sed hoc principium patet esse falsum, nam in pueris nequit fides excitari, et tamen jam ipsi capaces sunt Baptismi. 21. — Dicendum II. non requiri intentionem faciendi quod facit Ecclesia Romana, sed sufficere intentionem faciendi quod facit vera Ecclesia à Christo instituta.

It is equally certain that those who are baptized by Heretics, who do not believe the Roman Church to be the true Church, are not to be rebaptized. Hoc tamen bene advertit Sylvius (in III parte, libri VI, articulus VIII): Quod si quis nollet facere quod Ecclesia Romana facit, etiamsi esset vera Christi Ecclesia, Sacramentum non subsistit, quia vere habet intentionem facendi quod Christus instituit. 22. — Dicendum III. non requiri ad valorem Sacramenti intentionem explicitam conficiendi Sacramentum, aut prodeffectum Sacramenti; sed sufficere intentionem peragendi quid ab Ecclesia habetur pro sacro. Reason, because (as stated above in the first place) it is sufficient the intention of doing what the Church does. Thus completed. Comp. D. 64. Sec. 8. a 8. et ejus continuator t. 4. p. 86. p. 84. a. 30. damn. ab. n. 1. et ali.

Dist. 6. q. 1. art. 3. q. 3 ad 1. ubi docet valet Baptismum, quomodocunque ille qui non credit Baptismum ac mentem aut habere aliquam spiritualem virtutem, 108 LIB. VI. TREATISE. I. ON THE SACRAMENTS.

IN GENUS. CAP. II. While baptizing, he intends to confer the Sacrament; yet he considers that what the Church does has no value. And because the Church does something, therefore by consequence and implication it intends to do something, although not explicitly. Truly rightly observe the Contin. Tourney d. p. 86. q. 3. cum quia tunc non intendit Ecclesiam facere quod facit.

Moreover, it is to be noted that although the Sacrament may be valid even if the Minister has an explicit intention of conferring the Sacrament or its effect; provided (as we have said) he intends to do what the Church does, because then he implicitly has an intention of conferring the Sacrament, as we saw above from St. Thomas: if however he has a positively contrary intention not to confer the Sacrament, then he does not confer the Sacrament, because truly then he does not have either explicit or implicit intention of doing what the Church does, as is taught in [reference omitted]. In which place it is said: The intention of the Minister can be perverted in two ways with respect to the Sacrament itself; for instance, when someone does not intend to confer the Sacrament but performs something mockingly; and such falsity takes away the truth of the Sacrament, especially when he manifestly exteriorizes his own intention. Note the word especially, therefore if he merely acts derisorily internally, neither does he confer the Sacrament. That is confirmed by the same Sacred Doctor in the same article at 10 ad 2, where he says: A playful or jesting intention (not a playful or jesting action) excludes the first rectitude of intention, through which the Sacrament is perfected. Moreover, an explicit intention to celebrate the external rite is not required in order to be formally and absolutely sacred. This is evident, for otherwise Baptism conferred upon Pagans, who either ignore or mock the Sacraments, would be null; but Nicholas I, when consulted by the Bulgarians regarding the value of Baptism conferred by a Jew or a Pagan, responded that it would be valid if conferred with true matter and form: such Baptism is valid by reason of the general intention of conferring it, which the Jew or Pagan might have heard was to be done by the Church of Christ.

Thus in cap. A quodam D. 4. de Conscr. 25. — Here, however, there arises that great question, once excited, as they say, by Ambrose Catharino, and very much agitated in our times, namely, whether for the validity of the Sacrament it is required that the Minister have the intention of performing

a sacred rite which the Church intends? The first opinion denies this; for it distinguishes two intentions: one, that of performing merely the external act which the Church performs, and it says that this is necessary; the other, that of performing the external act not simply, but as sacred or sacramental, which Christ instituted and the Church intends, and this latter it holds to be unnecessary. This opinion has as its patrons several illustrious names, and especially those of Jusain, Contensonium, M. Serri, Gennetum, P. Milante; et hanc non obscure videtur etiam tradisse P. Salmeronius in I. 1. D. Pauli dip. 2. ubi dixit: Advertendum duplicem esse intentionem Ministri conferentis DE MINISTRO SACRAMENTORUM.

DUB. I. 209 Sacramentum, alteramque publicam et Ecclesiae ipsius, cuius ministerium perfundit. This intention is sufficiently expressed in the very forms of the Sacraments; for the Church intends to baptize and confirm through such words. This intention, however, is separable from the words themselves if they are pronounced completely as they should be. Of this sentence, Bellarm. I. 1. de tit.

D. 8. Section 2. They make Ambrosius of Cathari- rum the author of the preface; but in T. 6, p. 138 and P. p. 65, n. 8 they seek to vindicate Catharinus, saying that he only wished it without requiring an intention which regards the effect of the Sacrament or the external rite as sacred when celebrated by the Church. But whatever this may be concerning it, the reason for this judgment is that according to Tridentine decree, in the Minister no intention of performing what the Church intends is required, but only of performing what the Church performs; and therefore it suffices that the Minister seriously applies the proper form to the matter, as the Church does. The second opinion, however, common and to be followed, affirms entirely that an intention is required on the part of the Minister in performing the Sacramental Rite which the Church intends; this Bellarmine holds. I. c. where he says opposed does not differ from the error of the Novatians. likewise Lugo.

I. c. ubi dicit eam ab omnibus meritissime reiciendi et saltem non multum distare a errore Haereticorum; qui contrarium vocat damnatum: item p. 139; et suus p. 88, concl. 3, c. 4, q. 2, p. 67, § 3. Croix l. 6. p. 1. n. 54. . 4. n. 6. Antoine p. 459. n. 2. tit. c. 7. n. 26. cum et aliis: Et hanc sententiam tuetur etiam SS. P. Bened. XIV in his golden Book on Synod, l. 7, c. 4, n. 9.

I is proved from Session 7, where it is required that there be an intention to do what the Church does; thus, merely applying the form of matter seriously, as the Church does, is not sufficient; for this very intention, since external action is involved, is inseparable from the action itself, as P. Sal. said above; but beyond this, it is required that there be an intention to

perform a sacramental rite, which the Church performs: otherwise, 2ndly and more strongly it is proved from Proposition 28 condemned by : The Baptism received from the Minister who observes all the external form of baptizing, but inwardly resolves in his heart for himself. I do not intend to do what the Church does. Note the words: internally verily, therefore the Pontiff condemned the opinion not requiring the internal intention in doing what the Church does. Their adversaries, and especially P. Milante, assert that the aforementioned proposition was condemned precisely because it would have confirmed every rite, whether performed seriously or in jest. But it is responded by I: there is no word of jest concerning the administration in the proposition.

It is responded that this condemnation would indeed have been superfluous if the sole administration in jest had been condemned; for it has long since been proscribed by the Tridentine decree: and there was no one at the time of this condemnation who held the error of Luther 4. 210 LIB. VI. TREATISE. I. ON THE SACRAMENTS.

IN GENUS. CHAP. II. has renewed; for, as Vanroy reports in Tom. 4. The thesis proscribed by Aurelius Piette in his fifth tome and Hemo in his first treatise, fourth disputation, second question, second article was taken from the theses of Feroaquasius, who had vigorously defended the opinion concerning external intention, excluding any jocular administration. Here therefore it must be said with the Saints. P. Bened XIV in citato libro de Synodo n. 8, saltem grave vulnus ex praefata Probatur 3 ratione qua evincitur necessariam esse intentionem internam Ministri ad conferendum Sacramentum; ut enim habetur ex P. Q. 64 art. 8 quae in Sacramentis aguntur ad plura referri possunt, prout abluatio in Baptismo referri potest ad munditiam corporalem et spiritualem; ideo oportet ut per intentionem abluentis referatur et determinetur ad unum, id est ad effectum sacramentale sive ad ablutionem spiritualis.

Hoc autem molumentum immorari ad discutiendos plures textus cc. Sed S. Doctor in Opusc. 8. clare docuit, ultra ritum externum omnino requiri internam intentionem, dicens: « Requiritur etiam in quolibet Sacramento » persona Ministri conferentis Sacramentum cum intentione » conferendi et faciendi quod facit Ecclesia; quorum trium, si » aliquid desit, id est, si non sit debita forma verborum, et si » Minister Sacramenti non intendat Sacramentum conferre, » non perficitur Sacramentum. That is especially confirmed by the authority of SS. Pontifical 1747 (inserted in its Bullarium number 28): at that number 48 it reprobates the opinion of Cajetani and Soto, who wished sufficiency for Baptism to consist in a neutral will, namely, one neither consenting nor repugnant; and it declares from the mind of Innocent. III. in capite Majores de Baptismo: quod Sacramentum

Baptismatis tunc effectum habet, quando quis vel actu praebuit vel jam antea praebuit voluntatem; et si neque consentit neque dissentit, licet externe compositus, nec potest baptizari, nisi nunquam antea habuit voluntatem suscipiendi Baptismum. Given this, namely that in the subject there is necessarily required the intention of receiving the Sacrament, then the Pontiff proceeds to the intention required in the Minister, and making mention of Catharini's opinion, he says: This opinion (namely Cajetani's) has less difficulty, since it does not deal with the conferrer, but with the receiver of Baptism.

Therefore, all the more in the conferrer, beyond external composition, an internal intention is required. Finally, although the opposite sentiment might be probable, it does not leave any doubt (as the Pontiff says) that such a thing cannot be brought about in practice from hence rightly teaches the aforementioned Pontiff, namely, that if anyone is found to have administered Baptism or another interable Sacrament with all external rites employed but with retained intention, or with deliberate will not to do what the Church does, out of urgent necessity, the Sacrament will again be subject to completion under condition; provided only that circumstances do not delay it. §4. — Question NoneIII. If the minister have two contrary intentions, which of them is to prevail? Resp.

I. If these wills are simultaneous, the prevailing one prevails; namely, that which would be chosen, given knowledge of its impossibility. Resp. II. Si inter contrarias voluntates una succedat alteri, posterior valet, nisi prior revocaverit (saltem virtualiter) omnem subsequentem voluntatem; tunc enim prior voluntas; modo expressè non revocetur, certe prævalet.

Now, if there remains any doubt in his case, the value of the Sacrament will be doubtful; for that the value of the Sacrament may be regarded as certain, it is required (suffices), a presumption which be morally certain and excluding all contrary fear. Thus. 1. a. 4. n. 68. Lugo de Sacr. D. 8. n. 123 et Croix l. 6. p. 1. n. 69. cum Bosco, c. n. 128. l. 2. D. 13.

Croix l. c. n. 72. cum unde qui sic con- traheret, apponereit conditionem contra substantiam Matrimonii, ac ideo illud invalidantem, juxta cap. fin. de condit. appos. Nevertheless validly would contract according to Lugo ex n. 132. with Suarez, if anyone through error thought that Matrimony was dissoluble, because a privative error does not take away from him the general intention of contracting in the manner it should be contracted. "I said indeed virtually: first, because an interpretative or habitual intention (which can also exist in one who is drunk), since the act proceeding therefrom is not human and deliberate, nor free in itself; secondly, because actual intention, by which you intend to do this and wish to carry it out,

even though it be better and consulted upon, nevertheless does not require it, for as much as it is not within our power, and a man easily distracted would have been excessively harsh and full of scruples if Christ had required this. Virtualis autem dicitur, quae ex actuali præcedente relicta durat in aliqua actione vi illius incepta et continuata: ut si ex intentione baptizandi vel celebrandi vadas ad Ecclesiam, sacras vestes induas, ad altare vel baptisterium accedas, etsi interim omnino alia cogites. The reason is, what suffices that said action be human and moral. . 5 t. i c. 5. Whereupon it is resolved: -

If a Priest happens to have bread before him, and he recites the action and the words of Christ; yet for that reason he does not consecrate. « 2. Si Sacerdos habens fortè ante se panem, recitet factum, et verba Christi; non ideo consecrat. » Impotentis rationis, ebrius, vel somnians, non conficit sacramentum, etiamsi ante ebrietatem, vel somnum id intenderit: quia non agit humano modo. Lavm. l. c. » (Ita communiter 212 LIB. VI.

TREATISE I ON THE SACRAMENTS. IN GENUS. CHAP. II

6. p. 1. n. 55. contra Cabrera.) « 3. S. Athanasius, en el goce infantil, verdaderamente fue bautizado, porque intencionó hacer lo que había visto hacer en el templo por el Obispo. » 4. S. Athanasius in the playful delight baptized truly, because he intended to do what he saw being done by the Bishop in the temple. « The heretic validly baptizes and contracts Matrimony, even though he does not believe this to be a Sacrament; he laughs at it and contemns it: rather, although he does not wish to do what the Roman Church does, but what his own is; falsely thinking that it is not the true Roman, but his own as true; even by this he does not wish grace to be conferred. The reason is because the general intention, which desires what Christ instituted, prevails over the intention derived from private error. p. 2. n. g. . 14.) 6 or who has brought lesser sacrifices to the altar, concerning which consecrating more fully, he did not explicitly think nor neglect them. "I have said 2.

Absolute; because a conditional suspension suspends the effect; which cannot otherwise occur except in the case of Matrimony. Therefore the resolution is: « 1. Valid is the sacrament received under a past condition, or a necessary present condition, or one contingent, if the condition has truly been fulfilled: for example, I absolve you if you wish to dissolve the concubinage, provided you are capable; I baptize you, if you have not been baptized. Bonaventura, loc. cit., n. 18. "2." No sacrament is given under a future condition, whether it be this contingent one, such as, I forgive you if you restore or dismiss your concubine, etc., or necessary, or added with intention to suspend the sacrament, such as, I forgive you if tomorrow the

sun rises. » Bon. ib.

It is doubtful whether a Sacrament is conferred under an hidden condition, one that is humanly unknowable: for example, "I baptize you if you are predestined, if God sees you as someone who will die this year." 4. He gravely sins who administers the Sacrament (excepting Matrimony) under a condition, whether future alone, which is always mortal. (As stated in n. 59 with Gran.) but also present or past; whether it be entirely hidden, which is even mortal; or humanly knowable: which yet is nothing if done for a reasonable cause; rarely venial, frequently mortal, if without any cause. The reason is, because either it accomplishes no Sacrament at all, or it is doubtful, or valid indeed, but not without trifling in a serious matter. See Bonaventura, loc. cit., cap. 26. — Question NoneI.

What is the validity of a sacrament received under a condition? Si conditio est de præterito vel de præsenti, sine dubio verificata conditione, Sacramentum est validum. Thus commonly. p. D. 13. sect. 3: v. I say 3. 5. tr. 1. c. 5. n. 13. Continuation on page 135.

Conclusion i. . D. un. p. 5. n. 7. If however the condition is future, then no sacrament has been received, as Tourn. loc. cit., with Bus. and others, as stated above commonly. Reason, because in order for a sacrament to be validly conferred, the form must be applied to present matter; otherwise, there would be an effect of the sacrament when both form and matter have already ceased to be present. Moreover, if the Confessor were to validly absolve thus speaking: "I absolve you, provided that God knows what you will restore?" They affirm Article 4, Note 7, and Henry. Arriaga et 6. p. 1. n. 81., qui hoc valde probabile putat; quia (ut dicunt) tunc jam apponitur conditio de praesenti, cum Deo omnia futura sint nota.

But more correctly opposed to this opinion are Tourn. loc. cit. lib. 5. But what. Concil. tom. 8. p. 87. n. q. item Co- ninch. c. Ratio, quia, cum Deus commiserit administrationem Sacramentorum cognitioni et voluntati hominum, nequit apponi conditio humanae, qua non possit cadere sub conditionem humanam. 27. — Question NoneII. Whether it is permissible to confer a Sacrament under a condition?

Regarding the character impressed by Sacraments, it is certain that for all it is licit; and this is evident from c. 2 de Bapt., where it is said: "Of those concerning whom there is doubt whether they have been baptized, let them be baptized with these words: If you have already been baptized, I do not baptize you; but if you have not yet been baptized, I baptize you." And although Jucninus concerning the Sacrament. D. 1. q. 3. c. 5. art. 1. et

tom. 6. q. 1. art. 4. asserunt ante Sec. VIII does not have mention in the Fathers and Councils of the aforementioned formula conditioned, yet it teaches the Saints. P. Bened.

XIV in suo doctissimo libro de Synodo l. 7. c. 6. n. 1. ex eo non rectè inferre Nat.; nam asserit ex constanti Ecclesiæ praxi satis probari oppositum. Only (he says) in the Second. The eighth condition, which had previously been detained in the mind, began to be expressed. Commonly, however, the Doctors also say that other Sacraments can be conferred and repeated, if a just cause be present. Thus. Section thirteen, part three. Conclusion 3. page 5. note 7. 6.

Reply 3. Haber. to. 5. c. 2. q. 2. p. 72. R. 2. . 56. Bon. eod. tit. When Sa and Con say, number twenty, chapter three, question one, part two, section three.

Henry Reg. etc. commonly: and Tourn. did not dissent to. 4. p. 138. v. Doubt against to. 7. p. 35. and Antoine de qua. 3. v. Note, who says that it is permitted only in this; whereas in other cases they think that it is not permissible except in necessity. But we subscribe to the first opinion, namely, that when the condition is present and a just cause intervenes, all irreverence towards the Sacrament will be remedied.

We have said that a just (or reasonable) cause is sufficient, as they speak. l.c. likewise Croix l. 6. p. 1. n. 129. . tom. 3. p. 16. n. 51. et . 3. p. 14. n. 96. et p. 19. n. 120. For it is common with those mentioned above (against certain others) to commit a mortal sin by ministering Sacraments, if there be no cause of necessity, or grave utility: for it is illicit to confer Sacrament without such a cause with doubtful effect. It is permitted, as others commonly say, for the Confessor prudently doubting whether he will absolve the Penitent, to absolve him conditionally in confession. And the same is said in to. 3. p. 568. when a child must be absolved concerning whom there is doubt whether he has reached the use of reason. Si quis autem judicans Poenitentem esse dis positum, eum sub conditione absolveret, dicens: Ego te absolvo, si dispositus sis; recte dicunt Tourn. to. 4. p. 137. et Salm d. c. 7. n. 56., quod is non peccasset mortaliter, sed non excuseretur a culpa venialis, cum hoc esset contra ritum Ecclesiae.

The same is said by Croix. l. 6. p. 1. n. 129. concerning him who without a reasonable cause repeats one word or syllable of the form. 29. — It is certain that in the case where there is the necessity of the proximate extreme, and no material matter except doubtful matters, then the Minister not only can but is bound by a grave obligation to administer the

Sacrament under condition, as Lugo teaches de Sacr. D. 8. num. 140. cum Sylo. et com. apud Vioa in Trut circa finem. (Vide dicenda num. 102. v. He notes further, in book 2, note 10, that if later a certain matter is known to be present and there will be an occasion, then the Sacrament must be repeated under condition, should it perhaps have been invalid at first; and he says the same thing, Croix number 123, with Tumb. Moreover, it must be noted; that if the Sacrament is to be administered under a condition, there is no need for the condition to be expressed orally, but it suffices to conceive it in the mind. Thus p. 39.

Conclusion 3. Q. 5. when he supposes it certain. When however it is publicly conferred that Baptism is doubtful, reasonably one asks whether he would have sinned mortally who baptized more than necessary simultaneously, or absolved under a single form? Scoetus affirmat, sed Croix cum Dic. et aliis negat, quia non videtur haec notabilis mutatio; omnes tamen dicunt, quod is non excuseretur saltem a venialiter. See concerning the Minister of Baptism. Doubt II. What is required in the Minister that he may minister lawfully. 50.

See what is found concerning this in Busemb. — 31. First concerning the state of grace required in Ministers of the Sacraments, as ordained for that purpose. — 32. Q. 1. What about other Ministers not ordained to those things? Whether a priest baptizing gravely sins nonsolemnly?

See Infert. 1. Does a contracting marriage commit one to two acts of double sacrilege? See Infert. 2. – 33. Would ministers be excused from mortal sin if necessity should demand it? What about those who minister in hospitals, and midwives, and above all parish priests, etc., who minister out of necessity? — 34.

Questio 2. He who administers the Sacraments is bound to precede [or: to precede] Confession, if there be mortal sin? — 35. Qu. 3. Whether a priest or deacon ministering the Eucharist will sin gravely if he be in mortal sin? How many sins does a priest commit celebrating in mortal sin?

Does he who ministers Eucharistia to many consecutively commit many more sins? Does the priest sin gravely by touching the Eucharist out of duty in a mortal state? — 36. Questio quarta. Would a grave sin be committed by a confessor merely hearing confession in mortal sin? Qu. 5.

Does a confessor who frequently absolves consecutively commit more sacrileges? — 37. Secondly, concerning the state of grace required in those who exercise other sacred functions. — 38. Concerning the Deacon and

Subdeacon ministering at the Altar in a mortal state. — 39. On the Bishop conferring chrism or holy oil in a mortal sin.—40. Of the Bishop consecrating in mortal sin, temples, or blessing vestments, etc. And of the Priest assisting at a marriage, or blessing water, ashes, etc. — 41.

Whether a preacher sin mortally by speaking on a mortal topic? — 42. See among Busemb. concerning the minister offering material or formal matters doubtful; or bringing forward a form corrupted, or omitting ceremonies. — 43. Whether sacraments should be denied to the unworthy? To be said I. In general terms, it is sacrilege to minister Sacraments to the unworthy. — 44.

To be said II. A sacrament must not be granted to a public sinner, whether he request it publicly or privately. — 48. Question 1. What if the sin is known only to some of those present? — 46. Dub. 2.

What if a crime is public in another place? — 47. Dub. 3. Whether a public sinner can ever be ministered the Eucharist? — 48. Dub. 4. What is to be done in a doubt concerning a crime and penance? — 49.

Dub. 5. May a minister out of fear of death give a sacrament to an unworthy person? — 50. To be said III. A sinner who secretly sins and publicly petitions is not to be denied the Sacrament. Thus if he petition privately. — 51.

QUESTION 1 Whether Conclusarius can deny a Sacrament on account of a crime heard in confession? — 52. Qu. 2. Can a Bishop deny the Sacrament of Orders to a sinner who privately asks for it publicly? — 53. Qu. 3

Whether an ordinandhabituated in a vicious state may be absolved who wishes to ascend to sacred orders. Remitted to number 63. at the end of this Doubt. — 54. Questio 4. Whether the parish priest can assist at the marriage of a public sinner? And concerning the impediments, to what is one bound? — 55.

Questio 5. Whether one sponsor may legitimately enter into Marriage with another who is either Excommunicated or a Public Sinner? — 56. And whether it is licit to contract matrimony with Heretics? — 57. Questio sexta. May a probable opinion be used in conferring the Sacraments? — 58.

Qu. 7. Whether and when Ministers are bound to minister the Sacraments? — 59. Qu. 8. Is it licit to simulate the administration of the Sacrament? —

60. May one simulate the reception of the Sacrament?

But what if someone were to pretend to confess? — 61. What if someone were to simulate communication? — 62. What if someone were to pretend to contract Marriage? — 63. DIS- SERTATIO concerning a cleric habituated in a vile vice; whether he can be absolved willingly from ordination in Sacred Orders up to number 77 30. — « Resp. 1. Besides those things which are required for value, integrity is required, whether that it be in grace: first, because as Minister of Christ he ought to conform himself to Him whose is the Ministry; secondly, because by this very thing he is singularly ordained and a special grace is given him, and therefore he is bound more than others to take care of this.

Thus it is said and commonly. Whereupon the resolution is: "1." He gravely sins who defiles the Sacraments, not having sufficient reason. VI. TREATISE.

I. ON THE SACRAMENTS. IN GENUS. CHAP. II. A person possessing jurisdictional authority, or one who reasonably doubts regarding it, or who is prohibited by censure. 2.

It is not permissible for a Priest to administer the Sacrament with attrition coerced: because he is still outside the state of grace. Bonaventura, question 3, point 2, section 1, "3." Non tamen necessario praemittit Confessionem (nisi velit celebrare), etsi sit consultius: quia de hoc nullum est praeceptum, et ad delendum mortale sufficit contritio. Vasq. d. 136. c. 1.

Card. de Lugo, cap. 8, sec. 9, n. 4. The minister of the Sacrament, if he be ordained to that office and perform it solemnly in a state of mortal sin, for instance, if he baptizes or celebrates [the sacrament], commits mortal sin each time; (for this is also what Sayr. teaches in his treatise on the Deacon, from a special commission baptizing) unless perhaps there be danger in delay, and he cannot confess or absolve quickly: for it is taught by Card. de Lugo that in such a case to baptize or even to absolve a dying person in the state of sin is not irreverence, d. 8, sect. 9, n. 151. I said regarding one ordained to that office; for although a layman who baptizes out of necessity with the conscience of mortal sin does not teach him to commit mortal sin, Bon. l.c., Fill. tom. 1, c. 5, q. 10, ex Suar etc. Solemnly: for if he baptizes without solemnity, Suarez and the Council excuse from mortal sin. Fill. l. c. 5. Others do not commit a mortal sin by performing and ministering, for example when laypeople baptize each other out of necessity, or when they perform marriage upon themselves in a mortal sin.

Thus against others who do likewise; yet he who wishes to consider them as sinning mortally, so far as they accept this in a mortal manner. Thus also in Article 6, Question 1, "6." He who ministers, even though he does not accomplish it in mortality, commits a mortal sin by offering the Eucharist in a corrupt state, as the common opinion holds, page 3. "t. 4." R. 195.

The same is taught by Cardinal de Lugo in n. 155. And indeed some think that as many mortal sins are committed as are communicated; which seems less probable, since morally there is but one distribution, and one unworthy ministration: thus Tann. 2. 2. Henry Fill. nu. 87. etc. against Even if it is probable that they teach what Syl. says. Cajet. tract. 1.

c. 6. n. 87. The Order, Diaconate, and Subdiaconate: If in their order they minister with mortal sin, likewise the Priest and Bishop: if they exercise sacramentals, bless marriages, consecrate water, altars, vessels, preach, and transfer the Eucharist from place to place, they commit a mortal sin. Yet this seems contrary to what is taught in article 6. Dub. 1. Card. de Lugo. l.c. Ratio est quia hae actiones non tendunt proxime ad sanctificationem animae ex opere operato congruent actiones sacramentales. 8. It does not seem to be a true opinion that teaches that mortal sin touches in the mortal corporal things, chalices, relics, etc. 1. q. 3. p. 2.

If however anyone in a temporal matter (even a layman in necessity) raises from the earth the Eucharist, it does not seem to do anything other than if Christ had raised Him who had fallen in this life: yet thus if anyone should presume to do so outside of necessity temerily, according to example 1. q. 3. p. 2. n. 12. Here it is necessary to distinguish the consecration and administration of the Sacraments from other sacred functions. And I. Concerning what pertains to the confection or administration of the Sacraments, it is common and certain among the Doctors (whatever any may say, it is not to be heard at Croix) that the Minister of the Sacrament, if he ordain himself to do so and solemnly minister in a mortal sin, will mortally sin. It supplies a reason: part. qu. 64, art. 6, saying: "It is fitting that the Ministers of the Sacraments be just, because the Ministers ought to conform themselves to the Lord... and therefore it is not doubtful that those who present themselves as Ministers of God and of the Church in the dispensation of the Sacraments will sin."

And because this sin pertains to irreverence towards God, and to the contamination of the Sacraments as much as it is from the part of the

sinner himself, consequently such a sin by its very nature is mortal. But it is asked i. Whether a grave sin is committed by the Minister who confers the Sacrament, to which he is not specially ordained? This question indeed has its place only in baptism and marriage, for in other sacraments it is evident that they cannot be ministered except by consecrated ministers. The first opinion denies this, and this is held by P. p. 90.n. 15, who calls it true and common, t. 6. p. 228.

Nat. 1. 2. Reg. 8. anaci.p. 532. n. 45. . 87. cum p. 32. v. I said 2. And expressly thus teaches St. Thomas 3. p. q. 64. art. 6. ad 3., where he says: "Nevertheless, in an article of necessity (the Priest) would not sin by baptizing in a case, in which even a layman could baptize; for it is clear that he would not present himself as a Minister of the Church, but would merely meet the need of the patient." But otherwise is it in other Sacraments which are not so much of necessity; Baptism is congruous.

This opinion is indeed probable; but when considered in reason, it seems more probable the second opinion which c. and Lugo uphold with both Ratio and themselves, because the sin committed by ministering indignantly consists according to the doctrine derived from D. in irreverence which is imputed to God and to the Sacrament: and indeed this irreverence is not only inflicted upon the minister consecrated, but also upon the non-consecrated: for here although at that time he does not exhibit himself as a minister of the Church, yet he exhibits himself as a minister of Christ; moreover because holy things should be treated with great reverence and seriously in serious matters: and the act of administering the Sacraments is indeed extremely holy, because it is done in the name of Christ, and immediately cooperates in the sanctification of the soul, whence its holiness requires to be exercised by anyone. Here is derived that it is more probable with the 11 chapters and others among those present. It is said to be secondarily probable to gravely sin by contracting Marriage in mortal sin, not only by receiving the Sacrament, but also by ministering it, as Pontius says in book i. of Marriage, chapter 8, note ii. Lugo de Sacr. D. 8. n. 151. cum etc. (contra l. 2.

D. 6. n. 4. D. 16. sect. 2. Good. With Soto, etc., Croix considers our opinion to be absolutely true and says that it holds, even if Marriage is celebrated through an attorney. We have said this in a per se sense; for by chance, whether a minister who has been consecrated or not can be excused, if he ministers with mortal sin, as was said above, Lg. Decretum 8, numquam 151, particeps 6, quaestio 4, parrhesia 32, versio. I have spoken.

Answer to question six. Cross. l. 6. p. i. n. 92. tit. c. 7. n. 93. Cum dicitur de confessario, qui non potest tam cito contemneri, utinam incurrat notam

infamiae. They also say §. 10. n. 71. and Lugo. D. 9. n. 8. cum Vasq. et Hemr. de Sacerdote, qui incepta Missa in bona fide recordaretur peccati mortalis, et valde difficulter conteri posset, et contra nequiret sine infamia cessare ab inchoatus Sacrificii; Sed his opinionibus merito contradicit Concin. tom. 8. p. 350. n. 37. Reason, because on one side there is a Divine command that the Sacrament be brought to grace or received; and on the other side it is not impossible for such a Priest to elicit an act of contrition; for God (as He teaches in Six Books of Sentences) does not command impossibilities, but by commanding what can be done He indicates it, and what cannot be done He petitions, and assists that one may be able.

Therefore, if the Priest does not humble himself, it proceeds from his fault either because he does not strive as much as he can, since this time is sufficient (as in the first case of the dying man), or because he clings to sin. Moreover, this should be noted with reference to question 32, article 1. Regarding which, priests ministering in large hospitals or in castles are bound always to have themselves prepared for administering the Sacraments; and much more are parish priests or other priests on whom it devolves to administer the Sacraments, as rightly says Natura libri 2. Reg. 12. referens Monitum S. Caroli Borr. in suis instruc. ubi haec habentur: « Parochus, omnisque Sacerdos, cujus est Sacramenta administrare, meminisse debet oportere ad tam sanctae administrationis munus omni fere temporis momento paratum esse. » 34. — Question 2.

A Sacerdos conferens Sacramenta tenetur præmittere Confessionem, si sit in mortali? In the consecration of the Eucharist it is certain ex quoad other sacraments; the first opinion affirms this, and such is held by Merbesius, tom. 2, p. 71. Conclusion 5. Genet. vol. 3. p. 35. q. 4. Conc. tom. 6. p. q4. n. 27. ex Catech. c. 5. §. 45. ubi dicitur: "Cum Sacramenta administramus, aut percipimus, toties Confessio prætermittenda non est."

The reason is, firstly, because the same motive of precept that governs in the Eucharist also holds for other Sacraments; secondly, because the Minister, who is bound to administer the Sacraments in a state of grace, should have moral certitude regarding his justification; and thus he must have certainty concerning both matter and form: but this certitude cannot be had through contrition which is obtained with difficulty by few. The second opinion, however, more probable and common, denies the necessity of confession, and says that it suffices that contrition be elicited. They hold this opinion, as mentioned in the aforementioned location by Suarez, and also by Lugo concerning the Sacrament. D. 8. n. 145, asserting that this is common, Tit. C. 7. n. 94, who equally assert this common sentiment, namely that it suffices for probable contrition to be elicited,

likewise Sylvester of Saint-Zechariah. Confession 1. §. 2. . 5. t. 1. c. 1. n. 10.

Nao. n. 6. Victor. . 1. R. 6. p. 25. n. 170. Cross l. 6. p. 1. n. 93. 1. a. 4. n. 4. pag. 15. n. 45. qui etiam asserit communem, Bonac. D. 1. q. 3. p. 2. n. 3. cum Reg.

Prop. 1. ex Rit. Rom. de Sacr. in genere; ubi dicitur: "Sacerdos si fuerit peccati mortalis sibi conscius (quod absit), ad Sacramentorum administrationem non audeat accedere, nisi prius corde paenitet." But if he have a sufficiency of Confession, and the reason of place and time permit, it is fitting to confess. Note, it is fitting; therefore, from the Ritual it suffices to penitentiate through contrition, and confession pertains to convenience, not necessity. Prob. 2. ratione, tum quia in aliis Sacramentis non habetur præceptum neque naturale, neque Divinum, neque Ecclesiasticum de præmittenda Confessione, ut habetur in suscipienda Eucharistia: tum quia, ut ait doctissimus.

D. 16. v. It is asked whether, although Confession (as we have seen) greatly befits, nevertheless it suffices that the Priest use moral diligence in judging himself through contrition, and employ the utmost care in Confession; but the same reason does not apply to both matter and form of the Sacrament, as to its licit administration; for there (as we said with regard to the same). When dealing with the substance or the truth of a thing, the probability cannot bring it about that an inappropriate matter and form become suitable; but in the legitimate administration of the Sacrament, since we are concerned solely with the mode, that is to say, with the honesty of the action, good probability brings it about that the action be honest when it is prudently judged to be such, even though in itself it might not be so. §§ — Question 3. Whether a priest or deacon ministering the Eucharist sinned mortally in a mortal sin? The first opinion denies it, and this is held by Lugo concerning the Sacrament.

D. 8. n. 151. : 3. pag. 26. n. 172. Diana vol. 2. treatise 14. R. 23, et probabilem putant; 93 cum Sylvio, Vasq. Gabr. art. 4. n. 4. Croix l. 6. p. 1. num. 94 cum Arriaga, Acesa, Dicast.

Amico, non ponit enim actionem per se causantem gratiam, sed tantum applicat activa passivis; nec agit is nomine Christi, cum Christus non requisiverit ut distribuens sit persona sacra; olim enim etiam laici Communio sibi vel aliis porrigebant. The second opinion, which we follow, affirms this and holds it so, in part D [of the Decretals] sections 3 and 4. v. You say, p. 90. n. 17. p. 7. n. 29. pag. 33. coll. 3. . Antoine de q. 6. v.

Resp. 2. . 5. r. 1. c. 5. n. 8. Rone. de secundo, item Gonet, Probatur ex capite Sciscitantibus 15, q. 8, ubi Nicolaus I loquens de Sacerdote adultero Eucharistiam ministrante, dicit: Mali bona administrando, se tantummodo lædunt.

And since this matter concerning which we speak is grave, consequently they wound themselves gravely. Item probatur ex Catech. c. 1. n. 26. ubi dicitur: « Si homini peccatis contamino minus licet de rebus Divinis » agere, quantùm ab eo scelus concipi existimandum erit, qui » sibi multorum scelerum conscius est, nec tamen sacra Mysteria » polluto ore conficere, vel in fœdas manus sumere, contrectare, » atque aliis porrigere et ministrare vereatur? Moreover, from the Rites it is said: “Those ministering (Sacraments) impurely and indignantly incur the guilt of eternal death.” And concerning the Sacraments. It is said of the Eucharist: "To all indeed the Catholic Church with religious devotion should treat the Sacraments most reverently and with great care, but especially in administering and receiving the Most Holy Sacraments."

Sacramentum Eucharistiae. Therefore, the reason for our opinion is that when a priest ministers the Eucharist in mortal and grave sin, he inflicts an injury upon this Sacred Mystery, because as a minister consecrated to dispense it, he ministers to it unworthily: And just as the minister contributes proximately to the sanctification of the recipients through the conferring of the other Sacraments, so too does he contribute proximately through dispensation in this case, since the minister of the Eucharist cannot exhibit himself otherwise than by dispensing, according to that of St. Paul 1. Corinth. 4. Thus man may esteem us as Ministers of Christ and Dispensers of the Mysteries of God. It is likewise no good saying that the Priest has not been especially appointed by Christ for the administration of the Eucharist, because formerly this was also done through laymen; for although in necessity it has been permitted to laics incidentally to baptize, nevertheless nobody can deny that the ordinary minister and dispenser of the Eucharist is the Priest alone, or the Deacon by commission.

Hence we have said on p. 49, p. 6, n. 26, that he who celebrates commits four sacrileges: first, because He defiles the Sacrament; secondly, because He receives it; thirdly, because He ministers to Himself unworthily, as they advertently state Hozl. l.c., Croix l. 6, p. 1, n. 93, 67, sect. 1, and Lugo D. 8, n. 199 et 202; for when he celebrates then he performs two parts in one: one as receiving, the other as Minister; thereby committing two sacrileges; just as we said of the contrary Marriage which sins gravely in four ways, because indeed it receives and ministers to the Sacrament. Of these three sacrileges we have already spoken in book 5, note 44, 4. He commits sacrilege, because he ministers the Eucharist in mortal sin, as we have

already demonstrated above shortly. Whether, however, by ministering the Eucharist one commits one sin or many, as there are those who successively receive? Good.

D. 1. q. 3. p. 2. §. 1. n. 15. when the Council and others affirm that each distribution is a separate banquet and completed actions. But Hemo in cap. de pecc. n. 2 says more probabily. Violà de n. 4. et ap. Bonac. merely constitutes plurality in communicants as a circumstance aggravating, but not multiplicity of sinners; for it is more true that there is one moral act and one banquet: which one is truly called so, although it consists of many banquets. Hence says the Rituale: "Wherever however all have communed, the Priest may say": O sacred banquet, etc." Very probably he says this on p. 34. cum.

D. 24. q. 1. art. 3. Question 5. ad 4. quod peccet graviter qui existens in mortali Eucharistia ex officio tangit immediatè vel mediatè, putà gestando in processione, vel populum benedicendo; hocque expressè videtur docere S. Dionysius ap. Tourn. loc. cit., dicens: « Qui tangunt res sacras, quasi suo officio utentes, peccant mortaliter. » But not unreasonably Bonaventure. Doctor, first section, third part, page two, paragraph one, note thirteen. Cross chapter 6, page 1, number 101.

Lugo D. 8. n. 155. n. 58. p. 7. n. 29. Eibel t. 3. p. 15. n. 50 et de ut supra num. 7. cum et parte D. 16. Section 3. view. And hence: "When other actions besides the Sacraments are not ordered proximately by grace for sanctification, and the Priest does not exhibit himself as Minister of God sanctifying the soul in them, it is not a very grave reason, and the internal reason for requiring the sanctity of the soul in regard to them is weak." Therefore it will not be perceived as a serious sanctification to effect those in sin from the part of the matter.

"What is sought 4." Whether the confessor sins gravely by receiving a confession in mortal sin, with the purpose of eliciting contrition before he absolves? The first probable opinion, which Gonet D. 7. c. 6. n. 108 and p. 33 hold. Collection 2. Escob. l. 8. num. 134. when the Second opinion is more common and probable it denies this, and this opinion are held by Card. 212 LIB.

VI. TREATISE. I. ON THE SACRAMENTS. IN GENUS.

CHAP. II. 6. p. 1. n. 55. contra Cabrera.) « 3. S. Athanasius, en el goce infantil, verdaderamente fue bautizado, porque intencionó hacer lo que había visto hacer en el templo por el Obispo. » 4. S. Athanasius in the

playful delight baptized truly, because he intended to do what he saw being done by the Bishop in the temple. « The heretic validly baptizes and contracts Matrimony, even though he does not believe this to be a Sacrament, laughs at it, and contemns it: rather, although he does not wish to do what the Roman Church does, but what his own is; falsely thinking that it is not the true Roman, but his own as true; although even through this he does not wish grace to be conferred.

The reason is because the general intention, by which that which Christ instituted prevails, prevails over the intention derived from private error. p. 2. n. g. . 14.) or who has offered lesser sacrifices at the altar, with regard to which consecrating more, he did not explicitly think nor detect. I have said 2. Absolute; because a conditional suspension suspends the effect; which cannot otherwise occur except in the case of Matrimony. Therefore the resolution is: « 1. » Valid is the sacrament received under a past condition, or a necessary present condition, or one contingent, provided that the condition is truly fulfilled: for example, I absolve you if you wish to dissolve the concubinage, provided you are capable; I baptize you, if you have not been baptized. Bonaventura, loc. cit., n. 18. "2." No sacrament is given under a future condition, whether it be this contingent one, such as, I forgive you if you restore or dismiss your concubine, etc., or necessary, or added with intention to suspend the sacrament, such as, I forgive you if tomorrow the sun rises.

» Bon. ib. It is doubtful whether a Sacrament is conferred under an hidden condition, one that is humanly unknowable: for example, "I baptize you if God sees you as predestined to die this year." He gravely sins who administers the Sacrament (excepting Matrimony) under a condition, whether future alone, (which is always mortal.) (As stated in n. 5g with Grænum.) but also present or past; whether it be entirely hidden, which is even mortal; or known to man: which yet is nothing if done for a reasonable cause; rarely venial, frequently mortal, if without any cause. The reason is that either it makes no sacrament at all, or it makes one doubtful, or one valid indeed, but not without trifling in a serious matter. See Bonaventura, loc. cit., cap. 26. — Question None

I. What is the validity of a sacrament received under a condition? Si conditio est de præterito vel de præsenti, sine dubio verificata conditione, Sacramentum est validum. Thus commonly. p. D. 13. sect. 3: v. I say 3. 5. tr. 1. c. 5. n. 13.

Continuation on page 135. Conclusion 1. D. un. p. 5. n. 7: When however the condition is future, no sacrament is received at all, as Tourn. loc. cit., with Bus. and others, as stated above commonly. Reason, because in order

for a sacrament to be validly conferred, the form must be applied to present matter; otherwise, there would be an effect of the sacrament when both the form and matter have already ceased to be present. Moreover, if the Confessor were to validly absolve thus speaking: "I absolve you, provided that God knows what you will restore?" They affirm Via de auctor. art. 4. n. 7. et Henr.

Arriaga et 6. p. 1. n. 81., qui id valde probabile putat; quia (ut dicunt) tunc jam apponitur conditio de praesenti, cum Deo omnia futura sint nota. But rather more correctly opposed to this opinion are Tourn. loc. cit. lib. 5. But what? Concilium tomum octavum paginam octuagesimam septimam nomen novem: item Coenobii cappellae caput rationis, quia cum Deus commiserit administrationem Sacramentorum cognitioni et voluntati hominum nequit apponi conditio qua non possit cadere sub humana conditione. 27. — Quæratur. II.

Whether it is permissible to confer a Sacrament under a condition? Regarding the character impressed by Sacraments, it is certain that for all it is licit; and this is evident from c. 2 de Bapt., where it is said: "Of those concerning whom there is doubt whether they have been baptized, let them be baptized with these words: If you have already been baptized, I do not baptize you; but if you have not yet been baptized, I baptize you." And although Juvenal concerning the Sacrament. D. 1. q. 3. c. 5. art. 1. et tom. 6. q. 1. art. 4. asserunt ante Sec. VIII non haberi mentionem in Patribus et Conciliis prædicte formulæ conditionatæ, tamen docet SS.

P. Bened. XIV in suo doctissimo libro de Synodo l. 7. c. 6. n. 1. ex eo non rectè inferre Nat.; nam asserit ex constanti Ecclesiæ praxi satis probari oppositum. Only (he says) in the Second. The eighth condition, which had previously been detained in the mind, began to be expressed. Commonly, however, the Doctors also say that other Sacraments can be conferred and repeated, if a just cause be present. Thus. Section thirteen, part three.

Conclusion 3. page 5. note 7. 6. Reply 3. Haber. to. 5. c. 2. q. 2. p. 72. R. 2. . 56. Bon. eod. tit.

When Sa and Con say, number twenty, chapter three, question one, part two, section three. Henry Reg. etc. commonly: and Tourn. did not dissent to. 4. p. 138. v. Doubt against to. 7. p. 35. and Antoine de qua. 3. v. Note, who says that it is permitted only in this; whereas in other cases they think that it is not permissible except in necessity.

But we subscribe to the first opinion, namely, that when the condition is

present and a just cause intervenes, all irreverence towards the Sacrament will be remedied. We have said that a just (or reasonable) cause occurs accidentally, as they speak. l.c. item Croix l. 6. p. 1. n. 129. Eibel. tom. 3. p. 16. n. 51. et 3. p. 14. n. 96. et p. 19. n. 129. For it is common with the aforementioned authors (against some others) to consider that a mortal sin is committed by administering the Sacraments if there be no cause of necessity or grave utility: for it is illicit to confer the Sacrament without such a cause with doubtful effect. It is permitted, as others commonly say, for the Confessor prudently doubting whether he will absolve the Penitent, to absolve him conditionally in confession.

And the same is said in to. 3. p. 568. when a child must be absolved concerning whom there is doubt whether he has reached the use of reason. Si quis autem judicans Poenitentem esse dis positum, eum sub conditione absolveret, dicens: Ego te absolvo, si dispositus sis; recte dicunt Tourn. to. 4. p. 137. et Salm d. c. 7. n. 56., quod is non peccasset mortaliter, sed non excusaturot a culpa veniali esset, cum hoc esset contra ritum Ecclesiae. The same is said by Croix. l. 6. p. 1. n. 129. concerning him who would repeat one word or syllable without a reasonable cause. 29. — It is certain that in the case where there is the necessity of the extremity of the proximate neighbor, and no material matter except doubtful matters, then the Minister not only can but is bound by a grave obligation to administer the Sacrament under condition, as Lugo teaches de Sacr. D. 8. num. 140. cum Sylo. et com. apud . (Vide dicenda num. 102. v. He notes further, in his second book, n. 10, that if later a certain matter is known to be present and an occasion will exist, it must be administered under condition, should perhaps the first administration have been invalid; and he says the same thing, Croix number 123. Furthermore, it is also noted that, if the Sacrament is to be administered under condition, there is no necessity for the condition to be expressed orally, but it suffices that it be conceived in the mind.

Thus on page 39. Conclusion 3. Q. 5. when he supposes it certain. When however it is publicly conferred that Baptism is doubtful, reasonably one asks whether he would have sinned mortally who baptized more than necessary simultaneously, or absolved under a single form? Scolasticus affirmat hoc, et Croix cum Dicentibus negat illud, quia non videtur haec esse notabilis mutatio; tamen omnes dicunt, quod ille saltem a venialium peccatorum excusaretur.

See concerning the Minister of Baptism. Doubt II. What is required in the Minister that he may minister lawfully. 50. See what are held on this matter by Busemb. — 31. First concerning the state of grace required in Ministers of the Sacraments, appointed to such office. — 32. Q. 1. What

about other Ministers not thus ordained to those things?

Whether a priest baptizing gravely sins by not doing so solemnly? See Infert. 1. Does a contracting marriage in mortal sin commit a double sacrilege? See Infert. 2. – 33. Would ministers be excused from mortal sin if necessity should demand it?

What about those who minister in hospitals, and midwives, and above all parish priests, etc., who minister out of necessity? — 34. Questio 2. He who administers the Sacraments is bound to precede [or: to precede] Confession, if there be mortal sin? — 35. Qu. 3. Whether a sin be committed by the minister of sacraments.

DUB. II. 215. Does the Priest, or the Deacon ministering in place of him, avoid the Eucharist through mortal sin? How many sins does the priest commit celebrating in mortal sin? Ministrans Eucharistiam secundum plures successionem, committat plura peccata? Does the priest sin gravely by touching the Eucharist out of duty in a mortal state? — 36.

Questio quarta. Would a grave sin be committed by a confessor merely hearing confession in mortal sin? Qu. 5. Does the confessor, by absolving more successive sins, commit more sacrileges? — 37. Secondly, concerning the state of grace required in those who exercise other sacred functions. — 38.

Concerning the Deacon and Subdeacon ministering at the Altar in a mortal sin. — 39. On the Bishop conferring chrism or holy oil in a mortal sin.— 40. Of the Bishop consecrating in mortal sin, temples, or blessing vestments, etc. And of the Priest assisting at a marriage, or blessing water, ashes, etc. — 41. Whether a preacher sin mortally by speaking on a mortal topic? — 42. See among Busemb. concerning a minister intending doubtful matter or form: whether he presents a corrupted form, or omits ceremonies. — 43.

Whether sacraments should be denied to the unworthy? To be said I. In general terms, it is sacrilege to minister Sacraments to the unworthy. — 44. To be said II. A sacrament must not be granted to a public sinner, whether he request it secretly or publicly. — 45.

Question 1. What if the sin is known only to some of those present? — 46. Dub. 2. What if a crime is public in another place? — 47. Dub. 3.

Whether a public sinner can ever be ministered the Eucharist? — 48. Dub.

4. What is to be done in a doubtful crime, and concerning penance? — 49. Dub. 5. Whether a minister can give the sacrament unworthily through fear of death? — 50.

To be said III. To him who sins secretly but publicly petitions for the Sacrament, it is not to be denied. Thus if he petition privately. — 51. Q. 1. Whether the Confessor can refuse the Sacrament on account of a crime heard in confession? — 52.

Qu. 2. Can a Bishop deny the Sacrament of Orders to a sinner secretly petitioning publicly? — 53. Qu. 3. Whether an ordinandhabituated in a vicious state may be absolved who wishes to ascend to sacred orders. Remitted to number 63. at the end of this Doubt. — 54.

Questio 4. Whether the parish priest can assist at the marriage of a public sinner? And concerning the impediments, to what is one bound? — 55. Questio 5. Whether one sponsor may legitimately enter into Marriage with another who is either Excommunicated or a Public Sinner? — 56.

And whether it is licit to contract matrimony with Heretics? — 57. Questio sexta. May a probable opinion be used in conferring the Sacraments? — 58. Qu. 7. Whether and when Ministers are bound to minister the Sacraments? — 59.

Qu. 8. Is it licit to simulate the administration of the Sacrament? — 60. May one simulate the reception of the Sacrament? But what if someone were to pretend to confess? — 61. What if someone were to simulate communication? — 62.

What if someone were to pretend to contract Marriage? — 63. DIS-SERTATIO concerning a cleric habituated in a vile vice; whether he can be absolved willingly from ordination in Sacred Orders up to number 77 30. — « Resp. 1. Besides those things which are required for value, integrity is required, sive ut sit in gratia: firstly, because as Minister of Christ he ought to conform himself to Him; secondly, because he is singularly ordained to this and a special grace is given him; and therefore he is bound more than others to take care of this. Thus. c. et commun. And the matter is resolved: "1."

Severely sins he who defiles the Sacraments, not having sufficient jurisdiction, or reasonably doubting thereof, or who is prohibited by censure. It is not permitted for a priest to administer sacraments with attrition coerced: because he is still outside the state of grace. Good

Question. Third Quaestio. Point Two. Section One. "3." Non tamen necessario praemittit Confessionem (nisi velit celebrare), etsi sit consultius: quia de hoc nullum est praeceptum, et ad delendum mortale sufficit contritio. Vasq. d. 136.

c. 1. Card. de Lugo, cap. 8, sec. 9, n. 4. The minister of the Sacrament, if he be ordained to that office and perform it solemnly in a state of mortal sin, for instance, if he baptizes or celebrates, commits mortal sin each time; (which is also what the true Sayr. teaches in his treatise on the Deacon, from a special commission baptizing) unless perhaps there be danger in delay, nor can he confess or absolve so quickly: for it is taught by Card. de Lugo, d. 8, sect. 9, n. 151, that in such a case to baptize or even to absolve the dying person in the state of sin, is not irreverence. I have said this regarding one who is ordained to that office; for although a layman baptizes out of necessity with the conscience of mortal sin, they teach that he does not thereby commit mortal sin, Bon. l.c., Fill. tom. 1, c. 5, q. 10, ex Suar etc. Solemnly: for if he baptizes without solemnity, Suarez and the Council excuse from mortal sin. Fill. l. c. 5.

Others do not commit a mortal sin by performing and ministering, for example when laity baptize out of necessity or when they administer marriage to each other in mortal sin. Thus against others who do likewise; yet he wishes them to sin mortally, so far as they undertake this in a mortal manner. Thus also in Article 6, Question 1, "6." He who ministers, even though he does not accomplish it in mortality, commits a mortal sin by offering the Eucharist in a corrupt state, as the common opinion holds, page 3. Chapter 4.

R. 195. The same is taught by Cardinal de Lugo in n. 155. And indeed some think that as many mortal sins are committed as are communicated; which seems less probable, since morally there is but one distribution, and one unworthy ministration: thus Tann. 2. 2. Henry Fill. nu. 87. etc. against Even if it is probable that they teach what Syl. says.

Cajet. tract. 1. c. 6. n. 87. Nao. et Sa ». If in their order a deacon, subdeacon, priest, and bishop minister with mortal sin, they likewise commit mortal sin if they exercise sacramentals, such as weddings, bless water, consecrate altars, temples, vessels, preach, or transfer the Eucharist from place to place. However, the contrary seems more true according to the teaching of article 6. Dubium. Card. de Lugo. l. c. The reason is because these actions do not directly tend to the sanctification of the soul through the work itself; rather, they are actions congruent with sacramental actions. 8.

It does not seem to be a true opinion that teaches that mortal sin touches in the mortal corporal things, chalices, relics, etc. 1. q. 3. p. 2. If anyone in the mortal state (even a layman in necessity) raises from the earth the Eucharist, it does not seem to do anything other than if he had raised Christ fallen in this life: yet thus if anyone should presume to do this outside of necessity temerously, he would set an example of Ozæ. Bonaventura, I. q. 3. p. 2. n. 12. Here it is necessary to distinguish the consecration and administration of the Sacraments from other sacred functions.

And I. Concerning what pertains to the confection or administration of the Sacraments, it is common and certain among the Doctors (whatever any may say, it is not to be heard at Croix) that the Minister of the Sacrament, if he ordain himself to do so and solemnly minister in a mortal sin, will mortally sin. It supplies a reason: part. qu. 64, art. 6, saying: "It is fitting that the Ministers of the Sacraments be just, because the Ministers ought to conform themselves to the Lord... and therefore it is not doubtful that those who present themselves as Ministers of God and of the Church in the dispensation of the Sacraments will sin." And because this sin pertains to irreverence towards God, and to the contamination of the Sacraments so far as it is from the part of the sinner himself, consequently it follows that such a sin in its own genus is mortal. But it is asked i.

Whether a grave sin is committed by the Minister who confers the Sacrament, to which he is not specially ordained? This question indeed has its place only in Baptism and Matrimony, for in other Sacraments it is evident that they cannot be ministered except by consecrated ministers. The first opinion denies this, and this is held by P. p. 90, n. 15, who calls it true and common, t. 6, p. 228. Nat. l. 2. Reg. 8. n. 45. 87. cum p. 32. v.

I said 2. And expressly it teaches this St. Th. 3. p. q. 64. art. 6. ad 3. where he says: "Nevertheless, in an article of necessity (the Priest) would not sin by baptizing in a case, in which even a layman could baptize; thus" it is evident that he would not present himself as the Minister of the Church, but would merely meet the need of the patient. It is otherwise in other Sacraments, which are not so necessary, Baptism being congruous. This judgment is indeed probable; but, viewed by reason, it seems more probable the second opinion which C. and Lugo affirm with both Ratio and themselves, inasmuch as the sin committed by ministering indignantly consists according to the doctrine derived from D. in irreverence which is imputed to God and to the Sacrament: and indeed this irreverence is not only inflicted upon the consecrated minister, but also upon the non-consecrated one: because here, although at that time he does not exhibit

himself as a minister of the Church, yet he exhibits himself as a minister of Christ; moreover, holy things should be treated with great reverence and seriously in serious matters: and the act of administering the Sacraments is indeed extremely holy, because it is done in the name of Christ, and immediately cooperates in sanctification. Souls, from whencesoever they are exercised, require its sanctity.

Here is derived that it is more probable with the 11 chapters and others among . It is said 2. more probab ly that gravely offending marriage in mortal sin, both by receiving the Sacrament and by ministering to it, as Pontius de Matr. says in 1. 1. c. 8. n. 11. Lugo de Sacr. D. 8. n. 151. cum etc. (contra 1. 2. D. 6. n. 4. D. 16. sect. 2.

Good. With Soto, etc., we ourselves consider our opinion to be absolutely true and valid, Croix 1:6 p.1 n.93 holds this view, stating that it would still hold even if Marriage were celebrated by a procurator. We have said this in an absolute sense; for accidentally, whether the minister is consecrated or not consecrated, he is excused when ministering with mortal sinners, as was stated above at Lug. Decretum 8, n. 151. 6. 4, p. 32, v. I have said 1. Answer to question six.

Cross. 1. 6. p. 1. num. 92. tit. c. 7. n. 93. When, in the matter of confession, it cannot be addressed so quickly but incurs a note of infamy. They also say § 10, n. 71, and Lugo. D. 9. n. 8. cum Vasq. et Henr. de Sacerdote, qui incepta Missa in bona fide recordaretur peccati mortalis, et valde difficulter conteri posset, et contra nequiret sine infamia cessare ab inchoatus Sacrificio; Sed his opinionibus merito contradicit Concin. tom. 8. p. 350. n. 37. Reason, because on one side there is urged the Divine Precept that the Sacrament be brought to grace or received; and on the other side it is not impossible for such a Priest to elicit an act of contrition; for God (as He teaches in Sixtus I, cap. 11) does not command impossibilities, but by commanding what can be done He indicates what cannot be done, and assists that one may do what he can and petition what he cannot do. Therefore, if the Priest does not humble himself, it proceeds either from his fault because he does not strive as much as he can, since this time is sufficient (as in the first case of the dying man), or because he clings to sin.

Moreover, this should be noted with reference to question 32, article 1. Regarding which, priests ministering in large hospitals or in castles are bound always to have themselves prepared for administering the Sacraments; and much more so are parish priests or other priests whose office it is to administer the Sacraments, as rightly says Natura 1.2. Reg. 12. referens Monitum S. Caroli Borr. in suis instruc. ubi haec habentur: «

Parochus, omnisque Sacerdos, cujus est Sacramenta administrare, meminisse debet oportere ad tam sanctae administrationis munus omni fere temporis momento paratum esse. » 34. — Question 2. A Sacerdos conferens Sacramenta tenetur præmittere Confessionem, si sit in mortali?

In the consecration of the Eucharist it is certain ex quoad other sacraments; the first opinion affirms this, and such is held by Merbesius, tom. 2, p. 71. Corcl. 5. Genet. tom. 3. p. 35. q. 4. Conc. tom. 6. p. 94. n. 27. ex Catech. c. 5. §. 45. where it is said: "When we administer or receive the Sacraments, the Confession should not be omitted so many times." The reason is, firstly, because the same motive of the precept that governs in the Eucharist also holds true for the other Sacraments; secondly, because the Minister, since he is bound to administer the Sacraments in a state of grace, must have a moral certainty regarding his justification, and accordingly should have certainty concerning both matter and form: but this certainty cannot be had through contrition which is obtained with difficulty by few.

The second opinion, however, more probable and common, denies the necessity of confession, and says that it suffices that elicitation of contrition occur. They hold this opinion, as cited below in Suarez on the topic of Sacrifice. D. 8. n. 145, asserting that this is common, Tit. C. 7. n. 94, who equally assert this common sentiment, namely, that it suffices for probable contrition to be elicited, likewise Sylvester of Saint-Zechariah. Confession 1. §. 2. . 5. t. 1. c. 1. n. 10. Navo. n. 6.

Victor. . 1. R. 6. p. 25. n. 170. Cross l. 6. p. 1. n. 93. 1. a. 4. n. 4. pag. 15. n. 45. qui etiam asserit communem, Bonac. D. 1. q. 3. p. 2. n. 3. cum Reg. Prop. 1. ex Rit.

Rom. de Sacr. in genere; ubi dicitur: "Sacerdos si fuerit peccati mortalis sibi conscius (quod absit), ad Sacramentorum administrationem non audeat accedere, nisi prius corde poenitet." But if he have abundance of Confession and the reason of place and time permit, it is fitting to confess. Note, it is fitting; therefore, from the Ritual it suffices to penitentiate through contrition, and confession pertains to convenience, not necessity. Prob. 2. ratione, tum quia in aliis Sacramentis non habetur præceptum neque naturale, neque Divinum, neque Ecclesiasticum de præmittenda Confessione, ut habetur in suscipienda Eucharistia: tum quia, ut ait doctissimus. D. 16. v.

It is asked whether, although Confession (as we have seen) greatly befits, nevertheless it suffices that the Priest use moral diligence in judging

himself through contrition, and employ the utmost care through Confession; whereas the same reason does not apply to both matter and form of the Sacrament, for there (as we said with the same). When speaking about the substance or the truth of a thing, the probability cannot effect that an inappropriate matter and form become suitable; but in the legitimate administration of the Sacrament, when it concerns only the mode, that is to say, the honesty of the action, good probability effects that the action be honest, even though in itself it might perhaps not be such. 58. — Question 3. Whether a priest or deacon ministering the Eucharist sinned mortally in a mortal sin? The first opinion denies it, and this is held by Lugo concerning the Sacrament. D. 8. n. 151. p. 26. n. 172.

Diana vol. 2. treatise 14. R. 23, et probabilem putant; 93 cum Sylvio, Vasq. Gabr. art. 4. n. 4. Croix l. 6. p. 1. num. 94 cum Arriaga, Aorsa, Dicast. Friend, it does not place an action itself causing grace, but merely applies the active to the passive; nor acts it in the name of Christ, since Christ did not require that a sacred person distribute, for formerly even laics also distributed Communion to themselves or others.

The second opinion, which we follow, affirms this and holds it so, in part D. 16, sections 3 and 4, verse. You say, p. 90. n. 17. p. 7. n. 29. pag. 33. coll. 3. . Antoine de q. 6. v. Resp. 2. . 5. tr. 1. c. 5. n. 8. . Item Gonet: Probatur ex cap. Sciscitantibus 15., q. 8., ubi Nicolaus I loquens de sacerdote adultero, qui Eucharistiam ministrat, dicit: Mali bona administrando, se tantummodo ludunt. And since this matter concerning which we speak is grave, consequently they play with it seriously. It is also proven from Catech. c. 1, n. 26, where it is said: "If a man contaminated by sins is less permitted to act in divine matters, how great a sin must be thought to be conceived by him who, conscious of many crimes, yet fears to receive the sacred Mysteries with polluted mouth, or to take them into filthy hands, touch them, and otherwise offer and minister them?"

» Likewise from the Rites, where it is said: « Those ministering (Sacraments) impurely and indignantly incur the guilt of eternal death. » And concerning the Sacraments. It is said of the Eucharist: « With great care religiously and sanctely to treat all the Sacraments of the Catholic Church, but especially in administering and receiving the Most Holy Sacraments. » Sacramentum Eucharistiae. Therefore our opinion is that the Priest, by ministering the Eucharist in a state of mortal sin and grave offense, incurs an injury to this Sacrament, because as Minister he has been consecrated for its distribution, yet ministers it unworthily; And similarly, just as the Minister contributes proximately to the sanctification of those receiving the other Sacraments through their confection, so here he contributes proximately through his dispensation, since a Minister of

the Eucharist cannot exhibit himself otherwise than by dispensation, in accordance with the just words of D. Paul 1.

Corinth. 4. Thus man may esteem us as Ministers of Christ and Dispensers of the Mysteries of God. It is likewise no good saying that the Priest has not been principally appointed by Christ for the administration of the Eucharist, because formerly this was also done through laymen; for although in necessity it has been permitted to laics incidentally to baptize, nevertheless nobody can deny that the ordinary minister and officiously appointed for the dispensation of the Eucharist is the Priest alone, or the Deacon by commission. Hence we have said on p. 49, p. 6, n. 26, that he who celebrates commits four sacrileges: first, because He defiles the Sacrament; secondly, because He receives it; thirdly, because He ministers to Himself unworthily, as they advertently state Hozl. l.c., Croix l. 6, p. 1, n. 93, 67, sect. 1, and Lugo D. 8, n. 199 et 202; for when he celebrates then he performs two parts in one: one as receiving, the other as Minister; thereby committing two sacrileges; just as we have said of the contrary party in Marriage who gravely sins doubly, because He receives and ministers to the Sacrament. Of these three sacrileges we have already spoken in book 5, note 44, 4.

He commits sacrilege, because he ministers the Eucharist in mortal sin, as we have already approved above. Whether, however, by ministering the Eucharist one commits one sin or many, as there are those who successively receive? Good. D. 1. q. 3. p. 2. §. 1. n. 15. when the Council and others affirm that each individual distribution is a separate banquet and a complete action. But more probably Hanno says in Capitulum de peccato, number 2, section 4, and appendix.

Bonac. constitutes plurality of communicants as merely an aggravating circumstance, but not a multiplicity of sins, since it is more true that there is one moral action and one feast; which one is truly said to be so, although it consists of many feasts. Hence says the Rituale: "Wherever however all have communed, the Priest may say": O sacred banquet, etc." He very valuably says on p. 34 cum. D. 24. q. 1. art. 3. quasst. 5. ad 4. peccet graviter qui existens in mortali Eucharistia ex officio tangit immediate vel mediatae, puta gestando in processione vel populum benedicendo; hocque expresse videtur docere S. Dionysius ap. Tourn. loc. cit., dicens: « Qui tangunt res sacras, quasi suo officio utentes, peccant mortaliter. » But not unreasonably, Bonaventure.

Doctor, first section, third part, page two, paragraph one, note thirteen. Cross chapter 6, page 1, number 101. Lugo D. 8. n. 155. n. 58. p. 7. n. 29. Eibel t. 3. p. 15. n. 50 et de ut supra num. 7. cum et parte D. 16. Section 3.

view.

And hence: "Since other actions, besides the Sacraments, are not ordered directly by immediate grace for sanctification, and neither does the Priest exhibit himself as Minister of God sanctifying the soul in them, it is not a sufficiently grave reason, nor is there a sufficient cause to exercise internal holiness through them." Therefore it would not be perceived as a serious offense to effect those in sin from the part of the material, not to view it as a grave sacrifice. What is sought 4. Whether it gravely sins a Confessor receiving a Confession in mortal sin, when he intends to elicit contrition before he absolves? The first probable opinion, which Gonet D. 7. c. 6. n. 108 and p. 33 hold.

Collection 2. Escob. l. 8. num. 134. when the Second opinion is more common and probable it denies this, and this opinion hold the Card. 222 LIB. VI. TREATISE. I.

ON THE SACRAMENTS. IN GENUS. CHAP. II. On the Sacrament from Lugo concerning the Sacrament. Doctor 8, note 158. Sporer t. 3. pag. 26. n. 173. pag. 15. n. 50.

Diana per primam intentionem transitivae 7. R. 47. 107. with Henryk and Cross l. 6. p. i n. 102. with March. and Bosco. The reason why Lugo employs this method is because the Priest merely passively receives Confession when listening to it; but Croix justly does not admit this reasoning, because the Penitentiary, by receiving the Confession, truly does not merely act passively, but also acts in forming a judgment concerning sins. The more apt reason is this: because the Confessor, while hearing the confession, does not consummate the Sacrament; for it is not consummated except when absolution is imparted. That which Croix adds moreover with Marc. and Gob., namely, that the Minister does not commit a mortal sin if he begins the Sacrament in a mortal disposition, provided it is interrupted before completing that form; this does not please me, for although grace is not conferred unless the form is completed, nevertheless the value of the Sacrament and the communication of grace do not so much depend on the final words of the form as on the initial ones; hence the Priest who begins it in a mortal disposition truly says Aorsa ap.

Croix grievously sins, because he already inflicts an injury upon the Sacrament by conferring it in a mortal [form]. Questio 5. Does a confessor consecutively absolve more sins of mortally committed peccata? See what is said in book 5, no. 50. Q. 6. Where we said that the affirmative judgment is more true, because each absolution is a separate Sacrament.

37. — II.

As to what pertains to other sacred functions, which are neither consecrations nor administrations of Sacraments, the question is whether a Minister who exercises those functions in mortal sin commits a mortal sin? The first opinion, for which certainly it seems that D. Thomas holds in IV. D. 24. q. 1. ar. 3. qu. 5. ad 4. (quidquid aliqui dicant), et quam sequuntur alii apud tom. 7. p. 86. q. 4. dicit omnes exercentes ex officio functiones Ordinis suscepti ab Episcopo usque ad Ostiarios, in mortali culpam gravem committere. These words: "Quicumque" however, when dealing with some sacred Office in a state of mortal sin, there is no doubt that he defiles it improperly; whence it is evident that he commits a mortal sin. The second opinion, however, which is more common and sufficiently probable, denies this, and Suarez holds to this in 3. p. D. 16. s. 3. p. 7. n. 31.

Anacl. pag. 534. nu. 58. cum Mastrio, Bonac. de Sacr. D. 1, qu. 3, p. 2, § 1, n. 8, cum Soto, Val. eod., tit. n. 101, cum Vasq., quia, ut ait Suarez (cujus verba retulimus supra n. 35 in fin.), omnia alia exercitia Ordinum, præter confectionem vel administrationem Sacramentorum, cùm non sint proximè ordinata ad sanctificationem animæ, non videntur exigere sub gravi exercen- tium sanctitatem. Reason 2. quia (ut bene aiunt) ubi non constat de præcepto, non est facile imponenda obligatio sub mortali; in his autem functionibus, quas diximus, non constat de tali præcepto, unde gravitas obligationis debeatur à materia, et cum hæc materia non videtur, saltem non constat esse tam gravem, videtur quòd exercere tales functiones in mortali, non excedat culpam venialem; quae tamen erit eò gravior, quò actiones magis accedunt ad Sacramenti ministerium. 38. — Hinc infertur I. esse probable, quòd non peccent graviter Diaconi et Subdiaconi, qui in mortali Altari ministrant. Thus Lugo D. 8. n. 152. Sot. in 4.

Decretum, lib. 24, quaest. 1, cap. 5, tract. i, cap. 5, n. 10. Vasq. Decretum, lib. 136, cap. 4. Conincl. q. 64. a. 6. d. 1. Anael. l. c. Sporer t. 2. p. 26. num. 174. p. 15. n. 50.

Croix. l. 6. p. 1. n. 98. with c. num. 7. with Val. Fill. Angles and others more, nor did Antoine dissent from question 7 (contra Wigandt Ex. 4. tr. 11. n. 37. p. 34. n. 6. p. 32. num. 31. p. 79 et alii ex c. ut supra) And this even though they frequently minister themselves, as Coninc. l. c. Croix num. 98 says. Bonac. and those who condemn frequency on account of mortal sin, when it seems to be a case of virtual contempt; but more truly (as we said in lib. 4, num. 161, v.). Fourthly.) according to the doctrine of D. Thomas, frequency per se does not constitute contempt.

They object i. That which is said by the Apostle to Timothy 3, where it is stated that deacons should be those having the mystery of faith in a pure conscience. Therefore (as they say), those who minister while in a state of sin act contrary to the Apostle's precept. But it is replied that deacons at the time of the apostles (as Tournai relates in the Preface). Theol. tr. 10. p. 237. and the Author himself p. 215.) from their office they ministered the Eucharist, and Baptism to the faithful; for this S. Justinus attests.

Petroc. dicens: « Qui apud nos vocantur Diaconi, distri- buunt unicuique panem; et hoc alimento hoc vocabulum est Eucharistia. » » And he says: « The right to give Baptism belongs to the Bishop, then to the Priests and Deacons, but not without the authority of the Bishop. » Therefore, out of reverence for the Baptism and the Eucharist, whose administration was committed to the Diaconate, the Apostle demanded pure conscience in them. They object to the text in chapter C. What is sought. Regarding cohabitation and especially another text in c. Quæsitum, last concerning Temporal matters. Order where Gregory IX speaking about priests and other clerics existing in hidden mortal sin said: "If they have not repented, they are to be reproved, and under the interminable demand for their testimony concerning their damnation, even in received orders they should not minister."

But it is answered with Lugo number 147, and that Gregory spoke rightly about such clerics sinning gravely by ministering in a mortal sin, because according to the Decretum of Pope Anacletus, and the Canon of the Apostles g., (whose words Suarez presents D. 69. sect. 3. §. 1 ad 2.), ministers of the altar at that time were bound to communicate in the Mass; and in this sense it is true that by any mortal sin, deacons and all other ministers of the altar were suspended from the exercise of their office; and if this text ridicules Lugo on the matter of Sacrifice. D. 8. n. 158. Sporer t. 3. pag. 26. n. 173. pag. 15. n. 50. Diana page 1, treatise 7. R. 47. 107. with Henry and Cross, lib. 6, p. 1, n. 102. with March and Bosco. The reason why it is directed towards Lugo is because.

The priest, by merely listening to the confession, is passive; but this reason Croix justly does not admit, because the confessor, by receiving the confession, truly is not passive alone, but also acts in forming a judgment concerning sins. The ratio more fitting to others is, because the Confessary hearing does not consummate the Sacrament; for it is not consummated except when absolution is imparted. But that which Croix adds together with Marc. and Gob., namely, that the Minister does not commit a mortal sin if he begins the Sacrament in a mortal disposition, provided it is interrupted before completing that form; this does not please me, for although grace is not conferred unless the form be completed, nevertheless

the value of the Sacrament and the communication of grace do not so much depend on the final words of the form as on the initial ones; hence the Priest who begins it in a mortal disposition truly is called Acersa ap. Croix grievously sins, because he already inflicts an injury upon the Sacrament by conferring it in a mortal [form]. Questio quinta. Does the confessor repeatedly absolve more sins committed mortally, successively?

See what is said in book 5, no. 50. Q. 6. Where we said that the affirmative judgment is more true, because each absolution is a separate Sacrament. 37. — II. As to what pertains to other sacred functions, which are neither consecrations nor administrations of Sacraments, the question is whether a Minister who exercises those functions in mortal sin commits a mortal sin? The first opinion, for which certainly it seems that D. Thomas holds in IV. D. 24. q. 1. ar. 3. qu. 5. ad 4. (quidquid aliqui dicant), et quam sequuntur alii apud tom. 7. p. 86. q. 4. dicit omnes exercentes ex officio functiones Ordinis suscepti ab Episcopo usque ad Ostiarios, in mortali culpam gravem committere. These words: "Quicumque" however, when dealing with some sacred Office in connection with a mortal sin, there is no doubt that he performs it unworthily; whence it is evident that he commits a mortal sin.

The second opinion, however, which is more common and sufficiently probable, denies this, and Suarez holds to this in the third part, treatise sixteen, question three. Holt. 1. 2. p. 7. n. 31. Anacl. page 534. no. 58. with Mastri, Bonac. de Sacr. D. 1. qu. 3. p. 2. §. 1. n. 8. cum Soto, Val. eod. tit. n. 101. cum Vasq., quia, ut ait Suarez (cujus verba retulimus supra n. 35. in fin.), omnia alia exercitia Ordinum, præter confectionem vel administrationem Sacramentorum, cùm non sint proximè ordinata ad sanctificationem animæ, non videntur exigere sub gravi exercen- tium sanctitatem. Reason 2. because (as they well say) where there is no certainty regarding a precept, it is not easily imposed an obligation under mortal sin; in these however, the functions which we have mentioned, there is no such precept, whence the gravity of the obligation must be derived from the matter; and since this matter does not seem to be so, at least it does not appear to be so very grave, it seems that it is not necessary to exercise such functions. Im. d ca Ratio titi titi titi

Theologos, tum quia munia Clericorum minorum etiam laicis exercentur; tumquia earum functiones valde distant ab actione Sacrificii. Wherefore, since it might seem excessively to commend Gregory as having wished least to establish His New Law, but rather to have explained (as he said, 'It is necessary to correct') a natural obligation of ministers at the altar, for the subject matter abstaining from the exercise of their orders, according to the quality of reverence which each order seeks in dignity; another kind of reverence requires the administration of Sacraments, and indeed under greater weight, another still demands charitable functions, and not less, but more, or rather lesser, according to (as we said) the proximity that the function has to the Sacrament. 39. — It is held probably that a Bishop does not gravely sin by applying Chrism or Holy Oil in mortal sin, as Palaeus holds concerning the Sacraments. D. un. p. 6. n. 4. n. 48. n. 101. Groix l. 6. p. 1. n. 96. Holzrn. l. 2. p. 7. n. 30. cum p. 2. §. 1. n. 8. cum p. 34. n. 6. et alios cum Lugo D. 8. n. 156. qui putat id esse mortale, eò quòd Chrisma vel Oleum quod necessariò debet esse a E; copo bene-dictum est materia Sacramenti sine qua non sit Sacramentum. But it is replied that although chrism or oil is not apt matter unless blessed by the Bishop; still, the Bishop does not sin mortally by blessing the matter, since he always contributes to the production of grace; otherwise, if he were to prepare material for other sacraments in a mortal way and grave... he would also sin; for accidentally it happens that chrism or oil is not apt matter for confirmation and extreme unction unless blessed by the Bishop. It is commonly and more probably held that the Bishop or Priest does not sin mortally by consecrating a temple in a mortal way, blessing sacred vestments or corporals, assisting at marriage, blessing ashes, holy water, etc., as against Sylvester, Lugo holds this view, Vasquez p. 78.

Antoine c. 1. q. 8. Cross n. 5q et Bon. et p. 34. It is asked, whether the Preacher commits a mortal sin morally by sinning? The first opinion affirms this, and such is held by Cajetan 2. 2. q. 187. art. 1 et 3. d. 6. q. 15. c. 3. a. 2. p. 35 and others according to tractate 4. R. 197 and for this opinion also it seems to be thought. D. 19. q. 11. art. 2. ad 2. ubi dicit concionantem in mortali etiam occulto graviter peccare, eò quod (ut ait) « Impedit finem doctrinæ, » quia ore se profitetur nosse Deum, factis autem negat.

Others, however, employ a different rationale; they say that he commits a mortal sin because he exercises an act in the mortal state. The second opinion, however, is more common and probable, and this is held by Gonet I. c. . p. t. 3. D. 16. sect. 3. at the end, and concerning Charity. Decretum 8, sectio 4, numerus 6. On the subject of Sacrifice. D. 8. nu. 152. tr. 6.

Decretum 3, Pars 7, Numeral 7. Good. D. 1. q. 3. p. 2. n. 8. with Vasq. and Sayr. p. 26. n. 174. Cross L. 6. p. 1. n. 99. n. 106. Diana this. cited and t. 7. tr. 3. R. 14. with Villal.

Torres, Ratio; dicitur, tum quia nulla patet lex divina vel ecclesiastica prohibens sub gravi peccatoribus abstinence a prædicatione; tum quia actus prædicandi non tendit immediatè ad sanctificandum hominem, cum de se non causet gratiam, sed congruent causant administrationes Sacramentorum. Neither does it hinder the reason of the opposite opinion, namely, that a sinner preaching gravely sins mortally, because he exercises an office belonging to the Order indigenously. For it is replied that to exercise the office of Orders is one thing, and to exercise the annexed office of Orders is another: for he who exercises the office of Orders, since this is ordered toward the Eucharist, by ministering to the Eucharist probablistically inflicts injury; (I say probablistically, because even the opposite is probable, as we said in n. 35.) Very much, because such an exercise is not closely ordered to the production of grace, as is the case with the administration of the Sacrament. He who exercises the office of preaching does so merely annexed to the Order, and per se ordered only proximately; hence, a sinner exercising this office does not inflict injury upon the Order, but upon the proximate; consequently, according to the injury inflicted upon the proximate, the guilt should be measured. Hence it comes about that an occult sinner preaching, since he inflicts no harm upon the proximate person, brings about some utility; therefore he is not [condemned]. Both mortal sins will be given.

I spoke of the mortal sin, for commonly one does not adjudge him DD on account of a venial sin, due to some slight irreverence, which is occasioned by the divine word. Hence it has been the custom for the Preacher before his sermon to seek a blessing from the Bishop, saying: Purge my heart, etc. 41. — However, they say in the saints' commentaries that a mortal Preacher who is bound by duty to preach should not be excused if he preaches while himself being a public sinner; because then he provides scandal and hinders the end of doctrine. And to this opinion it seems that he subsequently conformed; for although, as stated above, the aforementioned author asserted that both a notorious and an obscure sinner would mortalize by preaching; yet, as P. p. 93 n. 25 observes, it appears that the Holy Doctor wished to delineate that doctrine later and restrict it to public and notorious sinners alone: for in 2. lect. I. ex S.: « Cujus vita despicitur, restat, ut ejus prædicatio contemnatur; ut publicus et famosus peccator cavere sibi debeat ne prædicet, alias peccat. » And this seems rather to be understood thus: if the preacher reproves a vice of which he himself is publicly accused, according to that verse 21 where the Apostle says: "Whoever teaches others, does not teach himself; whoever

preaches not to steal, will himself steal; who says not to commit adultery, will himself commit adultery, etc.; the name... of God is blasphemed through you among the Gentiles." 326 LIC.

VI TRACT. I. ON THE SACRAMENTS. IN GENUS. CHAP. II. 42. — "Resp. 2. Moreover, it is required that it exhibit and take care of this, namely not only what is necessary for the substance of the Sacrament, but also what pertains to its decorum, whether by nature or by the precept of the Church.

The reason for this is that otherwise the Sacraments would be profaned and treated with indignity. The reason for the latter is that holy sacraments ought to be treated reverently; and the precepts of the Church bind in conscience. Whereupon it is resolved: 1. The minister of sin venially, 1. If he uses matter or a false form, either extrinsically or doubtfully. Bon. d. 1. q. 2.

d. 1. n. 32. 2. If he omits the required intention. Now if however a doubt should arise, and not merely an idle scruple (for this ought to be rejected), whether the form was legitimate, or whether it was rightly and completely promulgated; then although from a speculative standpoint it may seem probable that the form is legitimate, yet in a crooked manner it must be proceeded, under condition, because this safer course should be chosen. The jurated sense of commonality of the Church, as one may see in the condemnation of Proposition 2 made by Innocent. XI. See what is to be said. n. 57.) » « 2.

The sin itself (whether grievously or lightly according to the gravity of the matter) He who pronounces the words of the form corruptedly, clandestinely, and irreverently: He who, even accidentally and without cause, alters or omits the matter, the form, or the ceremonies according to the custom of the Church. If it is done out of contempt, it is mortal; if out of negligence, often it is mortal, when that is great and in a serious matter. See below ch. 4. d. 5. § 3. Severe is the sin of him who ministers the Sacrament publicly to a sinner, or otherwise indigne, nisi indignitas sciat ex Confessione, vel sit occulta indignitas, et ex negatione sequeretur infamia, ut patet ex praxi Ecclesiæ, et Christi qui Juda Eucharistiam dedit.

He would sin more gravely, who, instead of giving to the unworthy one, extended to him unconsecrated host; even if such a thing had been agreed upon with him; or who, not daring to celebrate indeliberately, simulated the Mass by raising up an unconsecrated host, because, so far as he was concerned, it gave occasion for idolatry. See Bonaventura, De Baptismo, I,

q. 6, prop. "45. — Concerning this point regarding the denial of Sacred Mysteries to an unworthy person, many useful things should be noted." It must be said I. It is certain that the minister gravely sins by administering the Sacraments to unworthy persons; this is commonly held according to St. Thomas, III Pars, quaestio 80, articulus 6, n. 72, p. 100, Croix lib. 6, pars 1, n. 13, from that of Matthew 7:6. Do not give holy things to dogs.

But in certain Sacraments, if the Minister wishes to appear as a faithful dispenser, it is not sufficient that he does not know the heart to be unworthy; rather, he is bound to have a prudent reason that it is worthy, for in the Sacrament of Penance, since there is altogether required the disposition of the penitent, the Minister, as one constituted judge for this purpose, ought to make himself certain of this. In the Sacrament of Baptism, it should also inquire about the consent and the disposition of the one to be baptized. In Sacramento Ordinis Episcopus debet habere certam scientiam de dignitate Ordinandi, cum ad Ordinem, prout directum est ad publicum bonum, nemo habeat jus nisi qui vocatur a Deo tamquam; in Matrimonio autem Sacerdos assistens debet inquirere in impedimenta, cum ad hoc constituatur ab Ecclesia. In aliis vero Sacramentis, quidquid dicat Antoine, ea non sunt deneganda his qui catholice vivunt, nisi constet de indignitate petitionis. Thus D. 18. sect. 2. Lugo.

Decretum 8, nota 105. Esc. l. 8. n. 240. 18. D. one part page 14 number 6 when with Soto Bon. D. 1. q. 6. p. 4. in fin. Eblel t. 3. p. 11. n. 36. Cross L. 6. p. 1. n. 137. cum unde in eis non habent jus inquirendi, sed tantum debitum dispensandi omnibus qui petunt, modo isti non sint positive indigni, juxta praeceptum praedictum: Nolite dare sanctum canibus: Ergo tantùm indignis prohibentur ministrari Sacramenta.

Beyond what is naturally presumed to be good, as stated in c. Dudum de præsum, unless a certain evil is proven. 44. — To be said II. The sacrament is to be denied even to one who publicly petitions it, as the saints teach commonly with St. Thomas 1-2, q. 1, c., that a public sinner is always such whenever a notorious crime exists by law, or when someone has been judicially convicted thereof: or through an act committed in a public place: or through rumor, namely when a crime comes to many through sufficient evidence. And this, even if some crime is hidden from those present: Croix l. 6. p. 1. n. 139. The sinner is nevertheless received in the article of death constituted, as . Otherwise, if it is hidden and publicly requested, as we shall say below v. To be stated III. n. 59.

I have spoken about the case where it is petitioned publicly; for if it is petitioned privately by one who is unworthy, even though his crime be kept secret, the Sacrament must be denied, as stated in n. 47 and all others

similar to it. And the same must be said if the crime is already known to those who are present. Cross n. 138. 45. — Sed hic plura occurrent dubia. Doubt 1. Whether it is to be denied to a sinner who has received a sacrament, whose sin is not simply public, but known to many and present ones, and not to all? Three opinions are held.

The first [opinion] agrees with Coninc, who says that it seems to be a public sin in respect to this particular sin. The second, according to p. 6, no. 1, n. 139, states that it should be denied if from the present circumstances only one or another virtuous man is ignorant, who is thought not to be widely known; and this is sufficiently probable according to what was said concerning conscience, l. 1, n. 37. 46. — Doubt 2. An negandum Sacramentum peccatori in eo loco, ubi ejus crimen non est publicum, si publicam sit in alio loco? The first opinion affirms what Suarez holds on page 3. Distinction 27. Session 5. Conclusion 3. and with Croix 128 LIB. VI.

TREATISE I ON THE SACRAMENTS. IN THE GENUS OF CHAPTER TWO. FIRST POINT. SIXTH SUBPOINT. PAGE ONE. NUMBER ONE HUNDRED AND FORTY. Reason, because he has already lost the right to good reputation; when in one place he is infamous, according to what was said about Conscience, book 1, n. 16. They nevertheless receive, as cited by Croix in his book, if a prudent presumption is made that the sinner has been amended

The second opinion, which I uphold, denies this; and this is held by Cab. l. 3. c. 7. n. 3. and from another source, by negating the Sacrament, similar inconveniences and harms would arise, on account of which it is to be avoided for a minister to deny the Sacrament to a hidden sinner, as we shall say in the same number 48. To wit, if the knowledge of that crime is easily to be obtained there. 47. — Dub. 3. What is required that the Eucharist may be ministered to a public sinner? And rightly does Croix l. 6 p. 1 n. 141 adhere to this opinion, when the sinner does not have a proximate occasion of sinning: because he who has publicly confessed is publicly considered amended; similarly, if the occasion were present and he did not desert it. He who therefore privately petitions [for the Eucharist], suffices if he has privately performed penance, Croix ibid. at the end. Sed hic maxime advertendum id quod habetur in Rituali Rom. de Euch. ubi: « Arcendi autem » sunt (à Communione) publicè indigni; quales sunt excommu- nicatori, interdicti, manifestique infames: ut meretrici, concu- binarii; fœneratores, magi, sortilegi, blasphemi, et alii ejus generis peccatores: nisi de eorum pœnitentia et emendatione constet, et publico scandalo priùs satisfecerint. However, hidden sinners, if they have secretly sought and do not recognize them as amended, shall be repelled; but not if

they seek publicly and without causing scandal, may He pass over them Himself. 48. — Dub. 4.

What is to be done in a doubt concerning a crime, or concerning penance? It must be distinguished; if the crime is certain and penance is in doubt, the Sacrament must certainly be denied until the matter of penance is settled, because the infamy remains. And this is what they say should be said: 4. p. 1. n. 142. Even if there exists a public suspicion regarding a crime, provided that the suspicion be so vehement as to be equivalent to moral certitude; otherwise, if such were not the case and could be laid aside on probable reason, as they say A. A. cited. If however there is doubt concerning the crime, the Sacrament cannot be denied, Croix ibid. Nevertheless, intelligence according to what was said above in no. 43 at the beginning of 49. – Dub. 5.

Unus minister potest dare sacramentum indigne ob metum mortis? The first opinion affirms that, except when the Sacrament is not sought in hatred of faith or in contempt of Religion; and this Bon. de Sacr holds. Doctor 1, quaestio 6, paragrapha 14. Sporer t. 3. p. 28. n. 188. et Croix l. 6. p. 1. nam. 138. cum ab his laudatur etiam . p. D. 67. sect. 2. in fine, sed ibi prefeatus Auctor nimis ambiguè loquitur et se remittit ad sections seq. in quibus nullum verbum adjicit de hac sententia. The reason for this judgment is that (as they say), if the infamy of a publicly penitent sinner excuses such ministerial administration and repairs the irreverence of the Sacrament (as we shall soon say), why should death or the infamy to be endured from the Minister not excuse him? Hac sententia mihi olim probabilis visa est; sed nunc cum secunda perpensa oppositum teneo quam tuentur P. p. 100. num. 11 et Ledesma ac alii apud Croix l. c., quia differunt ratio non negandi Sacramentum peccatori occulto, et ratio vitandi proprium damnum.

Indeed, it is unjust for the Priest to publicly deny Communion to a sinner in secret, but why? because, as rightly says Croix n. 144 and others, according to 4 p. 192 et Antoine de q. 12. Christus in hoc casu videtur cedere juri suo, et permittere negationem reverentiae suae, non præcipuè ut fama ipsi servetur, ut dicit . p. q. 80. art. 6 ad 2. et Lugo D. q. n. 173., sed potissimùm (ut probant præfati AA.) propter gravia incommoda quæ inde sequerentur, nempe scandala aliorum, quibus si Sacerdos posset ob crimen occultum publicè Communionem negare, fortè etiam boni deterrerentur à susceptione Communionis, timentes ne propter odium vel imprudentiam à Sacerdote ejicerentur, et. These inconveniences and scandals do not certainly intervene in the Minister who is coerced by fear to minister the Sacrament to an unworthy person: rather would it be for the edification of the people if, for the sake of preserving reverence

towards the Sacrament, he exposed himself to the danger of death. 50. — Dicendum III. The sacrament must not be denied to an occult sinner publicly petitioning; thus all agree with St. Thomas in question 80, article 6, chapter Placuit, Causa 6. Q. 2. etc., Si ord. ubi Eugenius Papa id confirmat exemplo Christi, qui Judæ communionem porrexit. Reason, because then Christ is deemed to yield to His own law, lest a sinner lose his reputation, to whom He still retains justice; and this for the avoidance of very grave inconveniences which otherwise would occur, as we have already said above.

On the contrary, in no way is the Sacrament to be administered secretly to a sinner who asks for it, as S. Th. 3. p. q. 81. art. 6. ad 4. n. 72. Excepto casu, quo crimen cognitum fuisset ex Confessione; tunc enim nec etiam licet Ministro peccatorem monere, ut omnino dicendum cum Croix l.c. n. 145. et Gob. 51. — Sed hic quæritur i. Whether the Confessor can deny the Sacrament on account of a crime heard in Confession, under the pretext of other causes? They affirm Vasq. 145. But rather it should be denied when true, according to lib. 3, d. 36, and . Because then the sinner would have sufficiently turned away from having the Sacrament denied him on account of Confession, and thus the seal would be injured, and Confession would become odious, as Palaus himself later conceded.

Beyond which, it is certain today according to the Decree of Innocent XI that a penitent cannot in any way use the negligence of confession for the burden of penance; see the aforementioned discussion on Correctly with Croix and Arn. 172. Diana p. 2. t. 14. R. 23, and they consider probable 93. with Sylvio, Vasquez. Gabr. art. 4. n. 4. Croix l. 6. p. 1. num. 94 cum Arriaga, Aorsa, Dicast. Friend, it does not place an action itself causing grace, but merely applies the active to the passive; nor acts it in the name of Christ, since Christ did not require that a sacred person distribute, for formerly even laics distributed Communion to themselves or others.

The second opinion, which we follow, affirms this and holds it, in sections 3 and 4, pages 15 and 16. You say, p. 90. n. 17. p. 7. n. 29. pag. 33. coll. 3. Via loco supra cit. Antoine de q. 6. v. Resp. 2. . 5. tr. 1. c. 5. n. 8. . item Gonet, Probatur ex c. Sciscitantibus 15. q. 8. ubi Nicolaus I loquens de Sacerdote adultero Eucharistiam ministrante, dicit: Mali bona administrando, se tantummodo lexdunt. And since the matter concerning which we are speaking is grave, consequently they interpret it gravely.

It is proven from Catech. c. 1. n. 26, where it is said: "If a man contaminated by sins is less permitted to act in divine matters, how great a sin must be thought to be conceived by him who, conscious of many crimes, yet fears to receive the sacred Mysteries with polluted mouth, or to

take them into filthy hands, and to touch, handle, and otherwise administer them?" » Likewise from the Rites, where it is said: « Those ministering impurely and indignantly (the Sacraments) incur the guilt of eternal death. » And concerning the Sacraments. It is said of the Eucharist: « To all, indeed, great care should be taken with the religious and most holy treatment of the Sacraments of the Catholic Church, but especially in administering and receiving the Most Holy Things. » Sacramentum Eucharistiae. Therefore our opinion is that the Priest, by ministering the Eucharist in a state of mortal sin, gravely injures this Sacrament, because as Minister he has been consecrated to dispense it, and yet ministers unworthily: And just as in other Sacraments the Minister proximately contributes to the sanctification of the receivers through confection, so here he does so proximately through dispensation, since a Minister of the Eucharist cannot exhibit himself otherwise than by dispensation, according to the just words of D. Paul 1.

Corinth. 4. Thus may a man esteem us as Ministers of Christ and Dispensers of the Mysteries of God. It is likewise no good saying that the Priest has not been especially appointed by Christ for the administration of the Eucharist, because formerly this was also done through laymen; for although in necessity it has been permitted to laics incidentally to baptize, nevertheless nobody can deny that the ordinary minister and dispenser of the Eucharist is the Priest alone, or the Deacon by commission. Hence we have said on p. 49, p. 6, n. 26, that he who celebrates commits four sacrileges: first, because He defiles the Sacrament; secondly, because He receives it; thirdly, because He ministers to Himself unworthily, as they advertently state Hozl. l.c., Croix l. 6, p. 1, n. 93, 67, sect. 1, and Lugo D. 8, n. 199 et 202: for when he celebrates then he performs two parts in one way as receiving, another as Minister, thereby committing two sacrileges; just as we said of the contrary party to Matrimony who gravely sins in two ways, because indeed He receives and ministers the Sacrament. Of these three sacrileges we have already spoken in book 5, note 44, 4. He commits sacrilege, because he ministers the Eucharist in mortal sin, as we have already proven above shortly.

Whether, however, by ministering the Eucharist one commits one sin or many, as there are those who successively receive? Good. D. 1. q. 3. p. 2. §. 1. n. 15. when the Council and others affirm that each individual distribution is a separate feast and complete action. But Henno probabily says in cap. 3. n. 2. de pecc. Violà de n. 4. et ap. Bonac. merely constitutes a greater aggravating circumstance for those communicating, but does not constitute a multiplicity of sins; for truly there is one moral action and one banquet: which one is properly called so, although it consists of many banquets.

Hence says the Rituale: "Wherever however all have communed, the Priest may say": O sacred banquet, etc." Very probably he says this on p. 34. cum . D. 24. q. 1. art. 3. quæst. 5. ad 4. quòd peccet graviter qui existens in mortali Eucharistia ex officio tangit immediatè, vel mediatè, putà gestando in processione, vel popu- lum benedicendo; hocque expressè videtur docere S. Dionysius ap. Tourn. loc. cit. saying: "Qui tangunt res sacras, quasi suo officio utentes, peccant mortaliter." But not unreasonably, Bonaventure. Doctor, first section, third part, page two, paragraph one, note thirteen. Cross chapter 6, page 1, number 101.

Lugo D. 8. n. 155. n. 58. p. 7. n. 29. . 3. p. 15. n. 50 et de ut supra num. 7. cum et parte D. 16. Section 3. view. And hence: "When other actions besides the Sacraments are not ordered proximately by grace for sanctification, and the Priest does not exhibit himself as Minister of God sanctifying the soul in them, it is not a very grave reason, and the internal reason for requiring the sanctity of the soul in regard to these exercises is weak." Therefore it will not be perceived as a serious sacrilege to effect those in sin from the part of the matter. "What is sought 4." Whether a grave sin is committed by the Confessor when he receives a Confession in mortal sin, with the intention of eliciting contrition before he absolves?

The first probable opinion, which Gonet D. 7. c. 6. n. 108 and p. 33 hold. Collection 2. Escob. l. 8. num. 134. when the Second opinion is more common and probable it denies this, and this opinion hold the Card. 222 LIB. VI. TREATISE. I.

ON THE SACRAMENTS. IN GENUS. CHAP. II. On the Sacrament from Lugo concerning the Sacrament. Doctor 8, note 158. Sporer t. 3. pag. 26. n. 173. pag. 15. n. 50. Diana page 1, treatise 7.

R. 47. 107. with Henryk and Cross l. 6. p. 1 n. 102. with March. et Bosco. The reason why Lugo proceeds is because the Priest merely receives the Confession passively by hearing it; but this reasoning Croix justly does not accept, because the Confessor, by receiving the Confession, truly does not stand merely passive, but also acts in forming a judgment concerning sins. The ratio is more apt for the others, because the Confessary hearing does not consummate the Sacrament; for it is not consummated except when absolution is imparted. Now as for what Croix adds with Marc. and Gob., namely that the Minister does not commit a mortal sin if he begins the Sacrament in a mortal disposition, provided it is interrupted before completing that form; this does not please me, for although grace is not conferred unless the form be completed; nevertheless, the value of the

Sacrament and the communication of grace do not so much depend on the final words of the form, but rather on the initial ones; hence the Priest who begins it in a mortal disposition is rightly called Aversa ap. Croix grievously sins, because he already inflicts an injury upon the Sacrament by conferring it in a mortal [form]. Question 5.

Does a confessor consecutively absolve more sins of mortally committed peccata? See what is said in book 5, no. 50. Q. 6. Where we said that the affirmative judgment is more true, because each absolution is a separate Sacrament. 37. — II. As to what pertains to other sacred functions, which are neither confessions nor administrations of Sacraments, the question is whether a Minister who exercises those functions out of office commits a mortal sin mortally? The first opinion, for which certainly it seems that D. Thomas holds in 4. D. 24. q. 1. ar. 3. qu. 5. ad 4. (quidquid aliqui dicant), et quam sequuntur alii apud tom. 7. p. 86. q. 4. dicit omnes exercentes ex officio functiones Ordinis suscepti ab Episcopo usque ad Ostiarios, in mortali culpam gravem committere.

These words: "Quicumque autem cum peccato mortali aliquod sacrum Officium pertractat," non est dubium quin illud indignè faciat; unde patet quod peccat mortaliter. The second opinion, however, which is more common and sufficiently probable, denies this, and Suarez holds to this in 3. p. D. 16. s. 3. p. 7. n. 31. Anacl. p. 534, n. 58, cum Mastrio, Bonac.: de Sacr. D. 1, qu. 3, p. 2, § 1, n. 8, cum Soto, Val. eod., tit. n. 101, cum Vasq., quia, ut ait Suarez (cujus verba retulimus supra n. 35 in fin.), omnia alia exercitia Ordinum, præter confectionem vel administrationem Sacramentorum, cùm non sint proximè ordinata ad sanctificationem animæ, non videntur exigere sub gravi exercen- tium sanctitatem. Reason 2. quia (ut bene aiunt) ubi non constat de præcepto, non est facile imponenda obligatio sub mortali; in his autem functionibus, quas diximus, non constat de tali præcepto, unde gravitas obligationis debeatur à materia, et cum hæc materia non videtur, saltem non constat esse tam gravem, videtur quod exercere tales functiones in mortali, non excedat culpam venialem; quae tamen erit eò gravior, quòd actiones magis accedunt ad Sacramenti ministerium. 38. — Hinc infertur I. esse probabile, quòd non petent graviter Diaconi et Subdiaconi, qui in mortali Altari ministrant. Thus Lugo D. 8. n. 15a.

Sot. in 4. Decretum, lib. 24, quaest. 1, cap. 5, tract. 1, cap. 5, n. 10. Vasq. Decretum, lib. 136, cap. 4. Conincl. q. 64. a. 6. d. 1. Anael. l. c. Sporer t. 2. p. 26. num. 174. p. 15. n. 50.

Croix. l. 6. p. 1. n. 98. with c. num. 7. with Val. Fill. Angles and others more, nor did Antoine dissent from question 7 (contra Wigandt Ex. 4. tr.

11. n. 37. p. 32. n. 6. p. 32. num. 31. p. 79 et alii ex c. ut supra). And this even though they frequently minister themselves, as Coninc. l. c. Croix num. 98 says. Bonac. and those who condemn frequency on account of mortal sin, when it seems to be a case of virtual contempt; but more truly (as we said in lib. 4, num. 161, v.). Fourthly.) According to the doctrine of St. Thomas, frequency per se does not constitute contempt. They object I.

That which is said by the Apostle to Timothy 3, where it is stated that deacons should be those having the mystery of faith in a pure conscience. Therefore (as they say), those who minister while in a state of sin act contrary to the Apostle's commandment. But it is replied that deacons in the time of the Apostles (as they say, tr. io. p. 237, and the Author himself p. 215) by virtue of their office ministered the Eucharist and Baptism to the faithful; for this Saint Justin affirms. Petroc. dicens: « Qui apud nos vocantur Diaconi, distri- buunt unicuique panem, etc., porro hoc alimento vocatur Eucharistia. » And he says: "The right to give Baptism belongs to the Bishop, then to the Priests and Deacons, but not without the authority of the Bishop." Therefore, for the sake of reverence towards the Baptism and Eucharist, whose administration was committed to the Diaconate, the Apostle demanded purity of conscience in them.

They object the second text from c. Quasitum. Regarding cohabitation and especially another text in c. Quasitum, last concerning Temporal matters. Order where Gregory IX speaking about priests and other clerics existing in hidden mortal sin said: "If they do not penitently amend, they are to be reproved, and under the interdict of divine judgment imploring that, as a testimony to their damnation even in received orders they may not minister." But it is responded to with Lugo number 147, and that Gregory spoke rightly about such clerics sinning gravely by ministering in a mortal sin, because according to the Decretum of Pope Anacletus, and the Canon of the Apostles 9 (whose words Suarez affirms D. 69, sect. 3. §. 1 ad 2), ministers of the altar at that time were bound to communicate in the Mass; and in this sense it is true that by any mortal sin, deacons and all other altar ministers were suspended from the exercise of their office; and if this text runs 224 LIB. VI. Sed respondetur i. cum Lugo num. 147., et quod Gregorius rectè dixit tales Clericos peccare graviter ministrando in mortali,quia juxta Decretum Anacleti Papæ, et Canonem Apostolorum 9. (cujus verba affert Suarez D. 69. sect. 3. §. 1 ad 2.) Ministri altaris tunc temporis tenebantur communicare in Missa; et in hoc sensu verum est, quod per quolibet peccatum mortale Diaconi et omnes alii altari ministrantes suspensi erant ab exercitio suorum. TRACT.

I. ON THE SACRAMENTS. IN GENUS. CAP. II. It should be understood that even minor clerics could commit mortal sin by exercising their Ordinal

acts; but neither opponents dare assert this, nor does he himself expressly oppose it, saying that all theologians agree in this, namely, because the duties of minor clerics are also exercised by laity, and because their functions greatly differ from the action of the Sacrifice. Wherefore, since the text seems too readily to prove that Gregory greatly desired not to establish a new law, but merely explained (therefore he said 'are to be warned') the natural obligation of ministers at the altar, on account of the subject matter requiring abstinence from the exercise of orders according to the quality of reverence which each order demands for its own dignity; another kind of reverence is required by the administration of sacraments, and indeed a very grave one, other functions require yet others, and not so much or less, but greater or lesser in accordance with (as we said) the proximity that function has to the sacrament. 39. — It is probably inferred that bishops do not gravely sin who consecrate chrism or holy oil in a mortal sin, as Palaeus holds concerning the sacraments. D. un. p. 6. n. 4. n. 48. n. 101.

Groix l. 6. p. 1. n. 96. Holzrn. l. 2. p. 7. n. 30. cum p. 2. §. 1. n. 8. cum p. 34. n. 6. et alios cum Lugo D. 8. n. 156. qui putat id esse mortale, eò quòd Chrisma vel Oleum quod necessariò debet esse a E; copo bene-dictum est materia Sacramenti sine qua non sit Sacramentum. But it is replied that although chrism or oil is not apt matter unless blessed by the Bishop; nevertheless, the Bishop does not sin mortally by blessing the matter, since he always seeks to promote the production of grace; otherwise, if he prepared matter for other Sacraments in a mortal manner, he would gravely sin; accidentally it happens that chrism or oil is not apt matter for confirmation and extreme unction unless blessed by the Bishop. It is commonly held and more probable that the Bishop or Priest does not sin mortally by consecrating a temple in a mortal manner, blessing sacred vestments or corporals, assisting at marriage, blessing ashes, lustral water, etc., as against Sylvester, Lugo holds this view, Vasquez p. 78. Antoine c. 1. q. 6. Cross n. 5q et Bon. et p. 34. It is asked, whether the Preacher commits a mortal sin mortally?

The first opinion affirms this, and such is held by Cajetan 2:2:q187:art1 and 3, d6:q15:c3:a2:p35 and others according to tractate 4. R. 197 et pro hoc judicium videtur etiam esse . D. 19. q. 11. art. 2. ad 2. ubi dicit concionantem in mortali etiam occulto graviter peccare, eò quod (ut ait) « Impedit finem doctrinae, » quia ore se profitetur nosse Deum, factis autem negat. Others, however, employ a different rationale; they say that he commits a mortal sin because he exercises an act in the mortal state. The second opinion, however, is more common and probable, and this is held by Gonet loc. cit., part. I, treatise 3. D. 16. sect. 3. at the end, and concerning Charity.

D. 8. sect. 4. n. 6. On the subject of Sacrifice. D. 8. nu. 152. tr. 6. Decretum 3, Pars 7, Numeral 7. Good. D. 1. q. 3. p. 2. n. 8. with Vasq. and Sayr. p. 26. n. 174.

Cross L. 6. p. 1. n. 99. n. 106. Diana this. cited and t. 7. tr. 3. R. 14. with Villal. Torres, Ratio; dicitur, primum quia nullam habet legem divinam vel ecclesiasticam prohibentem abstinere a praedicatione inter gravissimos peccatores; secundo quia actus praedicandi non tendit immediate ad sanctificandum hominem, cum de se non causat gratiam, sed congruenter causant administrationes Sacramentorum. Nec est ratio contrariae sententiae obstat, scilicet quod peccator praedicans graviter peccet mortaliter, quia exercet indignè officium Ordinis. For it must be answered that to exercise an office of Orders is one thing, and to minister an annexed office of Orders is another: for he who exercises the office of Orders, since this is ordered toward the Eucharist, by ministering this unworthily inflicts a probable injury upon the Eucharist; (I say "probable" because even the opposite is probable, as we said in n. 35.) Very much, since such exercise is not closely ordered to produce grace, as is the administration of the Sacrament. But as for the exercise of preaching, since this is merely an annexed function of the Order and is ordained per se only to a proximate end, he who preaches while in mortal sin does not inflict injury on the Order, but on the proximate; hence according to the injury inflicted on the proximate, there should be proportionate culpability.

Hence it comes about that an occult sinner preaching, since he inflicts no harm upon the proximate person, brings about some utility; therefore he is not...; from this mortal damage results. I spoke of the mortal sin, for commonly it is not... rather than a venial sin due to some kind of irreverence, which arises from the divine word. Hence it has been the custom for the Preacher to ask for blessing from the Bishop before preaching, saying: Munda cor meum, etc., 41. — But they say, the Saints and Doctors, that a mortal Preacher who is bound by duty to preach, cannot be excused if he preaches while being a public sinner; because then he provides scandal and hinders the end of doctrine. And to this judgment it seems that he later conformed; for although, as stated above, the aforementioned author asserted that both a notorious and an obscure sinner mortally sins by preaching; yet, as P. p. 93 n. 25 observes, it appears that the Holy Doctor wished to modify that doctrine subsequently, and to restrict it to public and private sinners alone: for in 2. lect. I. ex S.: « Cujus vita despicitur, restat, ut ejus prædicatio contemnatur; ut publicus et famosus peccator cavere sibi debeat ne prædicet, alias peccat. » And this seems rather to be understood thus: if the preacher reproves a vice of which he himself is publicly accused, according to that verse 21 where the

Apostle says: "Whoever teaches others, does not teach himself; whoever preaches not to steal, will himself steal; who says not to murder, will himself murder, etc., the name... of God shall be blasphemed through you among the Gentiles."

» 4. 42. — « Resp. 2. It is required beforehand that he exhibit and take care of not only those things which are necessary to the substance of the Sacrament, but also those which pertain to its decorum, whether by nature or by the precept of the Church. The reason for this is that otherwise the Sacraments would be rendered indecent and treated unworthily. The reason for this is that holy sacraments ought to be treated sanctly; and the precepts of the Church bind in conscience. Whereupon the resolution is: 1. The minister of sin venially, 1.

If he uses matter or a false form, either extrinsically or doubtfully. Bon. d. 1. q. 2. » 2. 1. n. 32. 2. If he omits the required intention. Now if indeed a doubt should arise, and not merely an idle scruple (for this ought to be rejected), whether the form was legitimate, or whether it was both legitimately and integrally promulgated; then although from a speculative standpoint it may seem probable that the form is legitimate, in practice it will need to be carried out under the condition, because this is the safer choice. The just sense common to the Church, as one may see in the condemnation of Proposition 2 made by Innoc.

XI. See what is to be said. n. 57.) » « 2. The sin itself (whether grievously or lightly according to the gravity of the matter) He who pronounces the words of the form corruptedly, inarticulately, and irreverently: He who, even accidentally and without cause, alters or omits matter, form, or ceremonies contrary to the custom of the Church. If it arises from contemplation, it is mortal; if from negligence, often it is mortal, when much [of it] is present and in a serious matter.

See below ch. 4. q. 5. § 3. Severe is the sin of him who ministers the Sacrament publicly to a sinner, or otherwise indecently, unless the indignity be known from confession; and if there be hidden indignity, and infamy should follow from negation, as is evident from ecclesiastical practice and that of Christ, who gave the Eucharist to the Jews. He would sin more gravely, who, instead of giving to the unworthy, extended to him unconsecrated host; even if such a thing had been agreed upon with him; or who, not daring to celebrate indeliberately, simulated the Mass by raising up an unconsecrated host, because, so far as it is in himself, he gives occasion for idolatry. See Bonaventura, De Baptismo, I, q. 6, prop. "45. — Concerning this point regarding the denial of Sacred Mysteries to an unworthy person, many useful things should be noted." It must be said

I.

It is certain that the minister gravely sins by administering the Sacraments to unworthy persons, according to common doctrine with St. Thomas 3. p. q. 80. art. 6. n. 72. p. 100. Croix l. 6. p. 1. n. 13. from that Matthew 7. v. 6. Do not give holy things to dogs. But in certain Sacraments, if the Minister wishes to appear as a faithful dispenser, it is not sufficient that he does not know the plectrum to be unworthy; rather, he is bound to have a prudent reason that it is worthy, because in the Sacrament of Penance, since there is altogether required the disposition of the penitent, the Minister, as one constituted judge for this purpose, ought to make himself certain about it. In the Sacrament of Baptism, it should also inquire about the consent and the disposition of the one to be baptized. In Sacramento Ordinis Episcopus debet habere certam scientiam de dignitate Ordinandi, cum ad Ordinem, prout directum est ad publicum bonum, nemo habeat jus nisi qui vocatur a Deo tanquam; in Matrimonio autem Sacerdos assistens debet inquirere impedimenta, cum ad hoc constituatur ab Ecclesia. In aliis vero Sacramentis, quidquid dicat Antoine, ea non sunt deneganda eis qui catholice vivunt, nisi constet de indignitate petitionis.

Thus D. 18. sect. 2. Lugo. Decretum 8, nota 105. Book B. chapter 8. note 240. number 18. D. univ. part. 14. n. 6. with Soto, Bon. D. 1. q. 6. p. 4. in fin. . 3. p. 11. n. 36.

Cross L. 6. p. 1. n. 137. cum unde in eis non habent jus in- querendi, sed tantùm debitum dispensandi omnibus qui petunt, modo isti non sint positivè indigni, juxta praeceptum praedictum: Nolite dare sanctum caribus; Ergo tantùm indignis prohibentur ministrari Sacramenta. More than that which whatever is naturally taken for good, as is said in C. Dudum de proxumo, unless evil certainly be proved. 44. — To be said II. Sacramentum negandam esse indigno, etiam publicè petenti, ut omnes communiter cum S. Th. l. c. docent, semper ac peccator est publicus, cum crimen sit notorium, vel jure, quando? scilicet quis de eo juris dicè convictus est: vel facto, cùm scilicet commissum est in loco publico: vel fama, nempe cùm ex sufficientibus indiciis crimen pervenit ad multos. And this, even if some crime is hidden from those present: Croix l. 6. p. 1. n. 139. The sinner is nevertheless received in the article of death constituted, as . Otherwise, if it is hidden and publicly requested, as we shall say below v.

To be stated III. n. 59. I have spoken about the case where it is petitioned publicly; for if it is petitioned privately by one who is unworthy, even though his crime remains hidden, the Sacrament must be denied, as stated in n. 47 and all others similar. And the same must be said if the crime is

already noted by those who are present. Cross n. 138. 45. — Sed hic plura occurrunt dubia. Doubt i. Whether it is to be denied to a sinner who has received the Sacrament, whose sin is not simply public, but such that it is noted by many of those present, but not by all?

There are three opinions. The first [opinion] agrees with Coninc, who says that it appears to be public with respect to this particular sin. The second agrees with 6. p. 1. n. 139., which states that it should be denied if from the present circumstances only one or another virtuous man is ignorant, who is thought not to be inclined to divulge; and this is sufficiently probable according to what was said concerning conscience t. 1. n. 37. 46. — Doubt 2. Whether it should be denied that the Sacrament is given to a sinner in such a place where his crime is not public, if it be public in another place? The first opinion affirms what Suárez holds on page 3. Distinction 27. Session 5. Conclusion 3 and 228 LIB.

VI. TRACT. I. ON THE SACRAMENTS. IN THE GENUS OF CHAPTER TWO. FIRST POINT. SIXTH SUBPOINT. PAGE ONE. NUMBER ONE HUNDRED AND FORTY. Reason, because he has already lost the right to good reputation; when in one place he is infamous, according to what was said about Conscience, book 1, n. 16.

They nevertheless receive, as cited by Croix in his book, if a prudent presumption is made that the sinner has been amended. The second opinion, which I uphold, denies this; and this is held by Càbal. 1. 3. c. 7. n. 3. Moreover, from another source, by denying the Sacrament, the same inconveniences and harms would arise, on account of which it is to be avoided for a minister to deny the Sacrament to a hidden sinner, as we shall say in our n. 48. To the contrary, it must be said if knowledge of that crime is easily to be obtained there. 47. — Dub. 3. What is required that the Eucharist may be ministered to a public sinner? And rightly does Croix in lib. 6, p. 1, n. 141 adhere to this opinion, when the sinner has no proximate occasion of sinning: because he who has publicly confessed is publicly considered amended; similarly, if the occasion were present and he did not desert it. He who therefore privately asks for it, is sufficiently shown to have privately performed penance, Croix ibid. at the end. Sed hoc maxime advertendum id quod habetur in Rituali Romano de Eucharistia ubi: « Arcendi autem » sunt (à Communione) publicè indigni; quales sunt excommunicti, interdicti, manifestique infames: ut meretrici, concubinarii; fœneratores, magi, sortilegi, blasphemi, et alii ejus generis peccatores: nisi de eorum poenitentia et emendatione constet, et publico scandalò priùs satisfecerint.

However, hidden sinners, if they have secretly confessed and do not

acknowledge themselves to be unrepentant, shall be repelled; but not if they confess publicly and without causing scandal, he may pass them by himself. 48. — Dub. 4. What is to be done in a doubt concerning a crime, or concerning penance? It must be distinguished; if the crime is certain and penance is in doubt, the sacrament must certainly be denied until the matter of penance is settled, because the infamy remains. And this is what they say should be said: 4th part, 1st question, no. 142: even if there exists a public suspicion regarding a crime, provided that the suspicion be so vehement as to equate with moral certitude; otherwise, if such were not the case and could be laid aside by probable reason, as those cited say. If however there is doubt concerning the crime, the sacrament cannot be denied; Croix ibid. Nevertheless, intelligence according to what was said above n. 43. at the beginning of 49. — Dub. 5.

Unus minister potest dare sacramentum indigne ob metum mortis? The first opinion affirms that, properly speaking, the Sacrament should not be sought in hatred of faith, or in contempt for Religion; and this Bonaventure holds concerning the Sacraments. Doctor 1, quaestio 6, paragrapha nona, nota 14. Sporer t. 3. p. 28. n. 188. et Croix l. 6. p. 1. nam. 138. cum ab his laudatur etiam . p. D. 67. sect. 2. in fine, sed ibi præfatus Auctor nimis ambiguè loquitur et se remittit ad sections seq. in quibus nullum verbum adjicit de hac sententia. The reason for this judgment is that (as they say), if the infamy of a publicly penitent sinner excuses him from receiving the Sacrament in such a manner and restores reverence to the Sacrament (as we shall soon say), why should death or the infamy endured from the Minister not excuse him? Hanc sententiam olim mihi probabilis visa est; sed nunc cum secunda sententia re perpensa oppositum teneo melius quam tuentur P. p. 100. num. 11 et Lesma, ac alii apud Croix l. c., quia ratio non negandi Sacramentum peccatori occulto differt, et ratio vitandi proprium damnum differunt.

Indeed, a public priest may not deny Communion to an occult sinner; but why? Because, as rightly says Croix n. 144 and others, according to 4. p. 192 and Antoine de q. 12. Christus in hoc casu videtur cedere juri suo et permittere negotium reverentiae suae non praecipue ut fama ipsi servetur secundum quod dicit p. 9. 80. art. 6 ad 2. et Lugo D. 9. n. 173. sed potissimum propter gravia incommoda, quae inde sequerentur, nempe scandala aliorum, quibus si Sacerdos posset ob crimen occultum publicae Communionem negare, forte etiam boni deterrerentur a susceptione Communionis timendo ne propter odium vel imprudentiam a Sacerdote ejicerentur etc. Haec autem inconvenientia et scandala non certe interveniunt in Ministro qui metu cogeretur ad ministrandum Sacramentum indigno imo aedificationi esset populo si ad reverentiam Sacra- mento servandam periculo mortis se exponeret. Dicendum III. The

Sacrament must not be denied to a secretly sinning penitent who publicly seeks it; thus all agree with St. Thomas in the third question, eighty articles, sixth part, from the Decretum, Cause six. Q. 2. etc., si ord. ubi Eugenius Papa id confirmat exemplo Christi, qui Judae Communionem porrexit. Reason, because then Christ is deemed to yield to His own law, lest a sinner lose his reputation, to whom He still retains justice; and this for the avoidance of very grave inconveniences which otherwise would occur, as we have already said above. And on the contrary, there is no way at all to administer the Sacrament secretly to a sinner who petitions for it, as S. Th. 3. p. q. 81. art. 6. ad 4. n. 72.

Excepto casu, quo crimen cognitum fuisset ex Confessione; tunc enim nec etiam licet Ministro peccatorem monere, ut omnino dicendum cum Croix l.c. n. 145. et Gob. 81. — Sed hic quæritur i. Whether the penitentiary can deny the Sacrament on account of a crime heard in Confession, under the pretext of other causes? They affirm Vasq. 145. But it is more correctly to be denied according to lib. 3. de decr. 36. et . Because then the sinner would have sufficiently turned away from having the Sacrament denied him through Confession, and thus the seal would be injured, and Confession would become odious, as Palaus himself later conceded. Beyond which, it is certain today according to the Decree of Innocent XI that a penitent cannot in any way use knowledge of the Confession for the burdening of the penitent; see the aforementioned discussion on Correctly and add Croix with Ar 230 LIB.

VI. TRACT. ON THE SACRAMENTS. IN GENUS. CAP. II. If a Confessor has acquired knowledge outside of Confession, if that knowledge is not morally certain, he cannot refuse to give the Sacrament. §2. — You inquire further. Whether the sacrament of Orders should be denied to a secretly sinning person who publicly requests it?

If the petitioner is considered unworthy by reason of irregularity or similar cause, everyone doubts not that he ought to be entirely rejected; but if he is unworthy only because he is in mortal sin, Croix doubts, lib. 6, p. 1, n. 146, with Henry. Adduntque Lugo et alii, non posse rejici, si jus ipse prætendat ratione Beneficii seu Dignitatis obtentæ. But I think it far more truly said with . Question 1. Art. 4. n. 5. quod indignus etiam occultus ab Ordinibus omnino est arcendus: et idem clare docet etiam S. 77. Sup. l. q. 86. art. 4 ad 3. ubi dicit, non sufficere quod Prælatus nesciat Ordinandum esse in peccato: « Sed etiam exigitur amplius ut secundum mensuram Ordinis diligentior cura apponatur, ut habeatur certitudo de qualitate promovendorum. »

"And in the response to 1, he asserts memorably: 'It would be better to

have few good Ministers than many bad ones.'" The certain reason is, because he who intrudes upon public offices for which he is not qualified ought to be repelled even with infamy, for the good of the public, pivato præterendum. And that an unworthy cleric, even though for a hidden crime, can and should be repelled, is evident from canon 14 of the Decretals, which states that a Bishop has the power to prohibit a cleric from ascending to higher orders; and the cleric is bound to obey him, even if the ascent to other ranks has been forbidden by his Prelate "for any reason," including for a hidden crime, and even extrajudicially. » And it is added that « no permission granted against his own » Primate's will to promote oneself is supported for him. » » And chiefly notable is that the Bishop is not bound in such a case to manifest the cause why he repels him from Orders according to the Declarations of the Sacred Congregation of the Council promulgated on the day of the 21st. The year of March 1634 and the day of April 21, 1668, which are extendedly presented in the fourteenth chapter in the seventh book chapter seventy-one number four.

That the Bishop is not only able but also bound to repel the unworthy, even if they are hidden, clearly suggests reason from Ezechiel 23, where it is significantly commanded that the Bishop ordaining diligently investigate and examine morals. To what end therefore should the Prelate investigate and examine the morals of the Clerics, unless it be that he may repel those whom he knows to be unworthy, according to that passage in Apocrypha 1 ad Timotheum v. 22. c. 5: « Manus » you have not imposed on anyone hastily, nor have you shared in alien sins. Whereupon St. Leo in his Epistle I, ad n. 146, §3 says: Here you ask three things. Can an Ordinand be absolved who has contracted a habit of lasciviousness and immediately after penance desires to undertake the Subdiaconate without experience of continence? We have instituted a full Dissertation on this question, which you will find at the end of this Doubt under n. 63 §4. — It is asked 4. Can a Parish Priest assist at the Marriage of those who are public sinners?

It is certain that the parish priest must refrain from marrying those who do not know Christian doctrine; as is evident from the Roman Ritual on Marriage at its beginning, where it prescribes: "The parish priest shall know whether each (bridegroom) knows" the rudiments of faith, since he should then proceed to teach his own children these things. Likewise, the Sacred Congregation, having deliberated before the XIVth Session of the First Lateran Council, chapter 29, decreed that parishes should not proceed to the publication of banns unless the parties found themselves sufficiently instructed in the rudiments of faith; and this decree was confirmed by Clement XI as is seen in his Bullarium on page 326, and by our own Pope Benedict in his Encyclical Letter. But whether, besides this ignorance, a parish priest may refuse his assistance at marriage to public sinners? Si

contrahentes publicè peterent, et essent indigni ratione peccati vel censura: occultè, rectè dicunt Lugo Dist. 8. scat. 14 et Croix n. 147 cum Arriaga, et communiter parochum teneri assistere juxta dicta n. 47. It is doubtful whether he can assist and be bound to do so if the contracting parties are publicly unfit? Asserting . 5. tr. 20. p. 2. c. 4. n. 8. Cross 1. c. and Lugo from note 205. with Prepas.

But nevertheless, the parish priest previously having endeavored to dispose the spouses for a worthy contracting of matrimony. The reason, as they say, is that the Parish Priest is not a Minister of Matrimony, but merely a witness; hence, on one hand, since he is a public minister, he cannot refuse his assistance; and on the other hand, he can lawfully assist, because his cooperation is merely material. Others however deny this, A A., who perceive the Parish Priest to be a true Minister of Matrimony; but this reason does not hold; for, as we shall demonstrate below, those very parties are the ones contracting Matrimony, and the Parish Priest is nothing more than a mere witness. Nevertheless, this does not prevent us from by no means acquiescing to the first opinion, and we say that the parish priest is not bound nor able to assist in such a marriage. The authority of XIV. in book 7, chapter 29, favors us, where it teaches thus: « (Although according to the more common and widely accepted opinion, a parish priest is not the minister of marriage, yet he is compared to the minister in many respects; nor can his presence lawfully confirm the contract, which he knows to be sacrilegiously initiated by the contracting parties.) » Our reason for this opinion is that according to natural law no one can cooperate with another's sin, even if the other has already internally consummated it, as we said in regard to Charity, book 2, number 47. Tantumque nec Parochus in nostro casu; tum quia Parochus tenetur ex justitia, ex contractu mito cum Communitate à qua stipendium accipit, incumbere saluti spirituali suarium ovium, eas avertendo à peccatis.

It is likewise no valid argument to say that the contracting parties have a right that the parish priest assist at their marriage. For it is replied that no one can have a right to an action in which a sin is committed. It is replied 2: that the spouses have a right to the assistance of the parish priest only insofar as he is bound by his office to attend to their spiritual welfare; hence, since in this case the assistance of the parish priest would not contribute to their good but to their ruin: for this reason neither the spouses have a right nor is the parish priest bound to assist; on the contrary, he should refuse such assistance, because his primary obligation is to prevent the sins of his flock. And concerning what we say about the parish priest, it must also be said about witnesses; who, however, would sufficiently excuse themselves from sin if they were compelled to assist out

of a great fear, since they are not bound to do so except out of charity and to prevent sin. The parish priest can also be excused on account of avoiding death, or other graver evils for the community, or for those who are opposed to him, namely, lest they themselves persevere in sin. Furthermore, the Parochi are sufficiently excused from guilt, as n. 8 says, who assist at the Marriages of Heretics in places where there is a custom, and Heretics are mixed with Catholics, according to what will be said shortly in q. seq.

It is certain, however, that paroches are bound by their office to inquire in weddings about to be contracted whether any impediment subsists; and if they judge probablistically that such a thing subsists, they are bound to deny their assistance and to forbid the marriage until at least something is decreed concerning it by the ordinary. Thus 1. 3. D. 14. n. 8. Cross. L 6. 1. n. 147 and Lugo D. 8. n. 205. cum. Item Lugo says in the same place, with Conin. (contrary to others), that if the Ordinary has knowledge of a hidden impediment, even though he cannot prove it, he is bound to prohibit the Marriage. 85. — Question 5.

And if one of the sponsors is publicly unworthy, can the other contract Matrimony with her nevertheless, and consequently minister to him the Sacrament? Here it must be noted that such indignity can arise from two sources: either from excommunication, or from some mortal sin of the sponsus. If the bridegroom is unworthy because he is excommunicated, or will be, it must then be avoided to contract Matrimony with him, since it is not permitted to communicate with her in sacred matters, which are the Sacrament; or he will only be tolerated; and then it is more probable that it may be allowed, as they teach in 1. 7. D. 9. n. 8., et Lugo D. 8. n. 225., et alii plures quos videre poteris infra de Cens. 1. 7. num. 139., quia Concilium Constantiense indistinctè concessit fidelibus posse communicare cum excommunicatiis toleratis. If however the bridegroom be unworthy on account of some sin, here a great difficulty arises, because it is not permitted to confer the Sacrament upon an unworthy minister. But Busemb. (see 1.2.n.60), Lugo n. 23 et Croix L 6. p. 1. num. 147. with Ratio (as they say) is, because those who contract, although indirectly effect the Sacrament, yet enter into a direct contract which of itself is not sacred; hence in this Sacrament the spouses seem to have more the condition of private contracting parties, who look only to their own advantage, than public ministers, who should see that those receiving the Sacraments are not repelled by their unworthiness.

I do not indeed reproach this reason, but I confess that it does not entirely 说服力 In general terms, it is forbidden by the Church, as is evident from the Council. At Chalcedon, in Canon 14 it is stated: "But neither to marry a

Heretic, nor a Pagan, nor a Jew, unless a person who is to be espoused to Orthodox faith." However, it is very probable what Busemb. says in n. 19 and Lugo in D. 8, n. 225. Wig. tr. 16. ex 6. n. 77. Cross d. n. 147 et l. 2. n. 95. ac l. 7. d. 72. n. 6. cum Nao. et Catholico contrahenti permittatur liberè permanere in fide. 2.

Let there be no danger of perversion. 3. Let there be granted liberty to educate the children in the Catholic faith. 4. If it will not be easy to find an equal among Catholics. If one is lacking among them, it will not be permissible, as rightly says Croix d. n. 95. Otherwise it is well permitted under these conditions; because such marriages are made similar to other civil contracts for establishing the laws of friendship and for maintaining common peace in the Republic. Hence Lugo in the same place has frequently allowed dispensations to enter into marriage with Heretics on just causes, as he says is evident from the Council.

To Laodicensi and Agathensi, and they particularly testify, Clement VIII having granted a dispensation to the Duke of Bari in the year 1604, that he might lead his own consanguineous sister Catharina, who was still heretical, as the brother of Henry IV, King of the Gauls. And herein is diligently to be noted what he has observed, Sum. P. Benedictus XIV., de Syn. l. 7. c. 6. ex Veracruz, quod de potestate Pontificum postquam hic dispensant dubitare instar sacrilegii est; esset enim Christo quasi exprobrare quod non satis Ecclesiae suae providisset. Lugo teaches n. 31 that for such a Marriage dispensation is necessary, at least in places where it is customary to resort to the Pope in similar doubts; because the Church justly reserved judgment as to whether the cause suffices or whether the danger of evil preponderates. However, it is probably said n. 17 among others in Croix l. 2. n. 97 (contra Croix sufficing to hope for conversion arising from its own nature, or otherwise. When it is permissible for a Catholic to contract matrimony with a Heretic, all the more will it be permissible for a Pastor to assist at such a marriage. 87. — Here other questions remain to be discussed as complements to this matter.

It is asked 6. Whether it be permissible to act according to a probable opinion in the conferring of the Sacraments? It is certain, as we have seen in T. 1. de Consc. l. 1., n. 29., generically speaking, that what is illicit according to Prop. 1. has been condemned by Innoc. XI. However, it is excused if there exists necessity on the part of the neighbor, as is common according to the Decretists, when speaking of absolution to be given to a dying person, and the same is said about Baptism n. 103. vers. III.

Excipitur 2. si 2 3 4 LIB. V I. TREATISE. I. DISACRAMENTUM ENGENDERING.

CHAPTER I I. there may be a probable opinion regarding the jurisdiction of the Confessor, or concerning the validity of Matrimony, according to what is said in canon 1. n. 3 and concerning the matter of Matrima. n. 1 1 1 3. They speak ethics. Sporer, Dic. Gob. et al. in Mazz. t. 3. p. 3 3. v. It is fitting and praiseworthy to hold an opinion that is both practically true and morally certain. It is excused when the administration of the Sacrament renders one obnoxious to scruples or difficulties, as we said in l. 1. n. 3 0. with Cardinal Cusanus

Cross is excluded. T h., et dicit Mazz. cum Illi sunt et pluribus aliis; alius non posset baptizari infans, quern parentes assererent nonesse baptizatum, cum tale testimonium non sit nisi siantum probabile; item neque absolvipossent, quiputantur dispositi, de quorum dispositione non alia quam prudens probabilitas habere potest, unde nec tunc notat Mazzot. cum Carden. quod si talis dispositione sufficeret, vix ullus unquam absolviposset extra mortis articulum, qui avix unquam habeat certitudinem de dispositione penitentis. Et tamen licet suscipere Sacramentum cum sola opinioni probabili? View the dictal. 1. n. 3 2. 88. — It is questioned 7. And when is it that the minister is bound to administer the Sacraments? It is common, as I say Holem. 1. 2. p. 6 4. n. 2 8 6. . c. 9. n. 2 8 et Croix. 1. 6. p. 1. n. 1 3 3. cum.

Say, and against the syllogism, that pastors should be sustained by the justice due to them according to the reason of their stipend which they demand, and that you should minister the Sacraments rationally to those who reasonably petition for them, even in cases of extraneous necessity. Pastors, autem, dicuntur Superiores, repectu Religiosorum: et respectu secularium, Episcopi ejusdem Patriarchae, vel quicunque habent subsidiariam curam obhigatione; ita Croix ibid., cum Gob. And therefore the Pastor, who is many, and whom even a few subjects find difficult to submit to, according to Gob. with Croix n. 134. . 30. Concilium tertii decimi tituli octavi partis nonae numeri tertii. Therefore he rectified the error. Charles Borromeo Act. p. 4. "Quacumque verus diel vel nox horam ad" Sacramentum infirmis ministranda Parochus vocabitur; nullam moram interponet; imo populum praemonebit, ut cum opus est parochiali administratione, liberese accersat, nulla ha bita, neque temporis, neque loci distantis etc. ratione.

However, the mortal sin is excused nevertheless, either because of a momentary lapse, or rather on account of some necessity; yet he does not see that he has so strictly bound himself; cf. Croix, ibid., item. Bus. infran. 6 2 3. cum adversarius ibit qui excipit, si subdita petet et exurgenti occasione, v.g. r. festisolemnis; etc. Ministri autem quinon sunt Pastores in

extremo necessitate tenentur ex caritate, etiamcum periculovitae proximo Sacramento ministrare, ut Conc. p. 9 9. n. 7. et Croix l. 2. a. n. 1 7 4. et alii omnes. But rather let them minister to the nearest necessity? Examine the aforementioned. From De Charitate, lib. 2, cap. 27, n. 9. Hence. Is it permissible to administer the Eucharist during a temporary absence?

Behold this. 4. 6. n. 2 3 3. How many masses are you able to administer? See Dionysius. 2 5 3 et 2 5 4. How often should penance be administered? They see. 6 2 3. 89. — Question 8. Is it permitted to simulate the administration of the Sacrament?

Commonly DD. distinguishes simulation in form and in matter: formal is that which directly intends the deception of another; material is that which permits only the deception of another. She, however, is condemned by Innocent. XI. whether the sole condemnation was that of the formal simulation, or whether the material simulation has been condemned as well? Others, however, as on p. 8, no. 12, say that there was there an indefinite damnation of both formal and material simulation; because an indefinite proposition is equivalent to a universal one; and also (as they say) because it has never been lawful for the Catholics to speak of any formal simulation, but the opinion of Sancus and others whose view was condemned (as it is related), However, others, as Cardenas states in the aforementioned text. Prop. 29. and Vidal in the same Prop. say that formal simulation was condemned, and also material simulation in reality vicious; but not material simulation in a reality indifferent.

This question seems to me futile, because ultimately all agree on the same point; for whether we speak of formal simulation, or material simulation in something vitious, or indifferent, all agree that it is never licit. To utter the words of consecration over bread without intention, or the words of absolution over one who is indisposed. To offer the hostia not consecrated as if it were consecrated. To celebrate Mass is not to proffer the words of consecration. Thus Palae tr. 2. D. 1. p. 13.

Cross chapter 6, page 1, note 154. Card. Milante. Prop. 29. Furthermore, although the aforementioned Proposition does not speak about any particular kind of fear; nevertheless, it is also commonly held among Doctors that it is not permissible to simulate the administration of the Sacrament out of fear of death. Concina l.c., Croix n. 155. 15. et Mi- lante l.c. E converso omnes dicunt licitum esse in Confessorio super indispositum aliquid orare, et Crucem dare, ne ejus indispositio prodatur; quamvis alii reputent eum absolutionem recipere; quia (ut ait De Pacat. et Remis., ubi dicitur; « Caveat autem (Confessarius) omnino, ne verbo, aut signo, » aut alio quovis modo aliquem prodat peccatorem.

From another part, this is not properly a sin of the administration of the Sacred Sacrament, because those words have an indifferent relation to the Sacrament. However, they make use of another reason. Truly he rightly observed that then the Confessor ought not to intend deception of those present, but only the concealment of the truth; otherwise, he would not have avoided the guilt of lying, since according to 2. q. 3. a. 1. not only is a lie committed by words, but also by deed. But moreover, it is permissible to speak about one who is indisposed, "I" [substitute name], 236 LIB. VI. TRACT: I.

ON THE SACRAMENTS. IN GENUS. CHAP. II. I do not absolve you by submitting and saying the word no? Cardinalis affirmat in dicto. Prop. 29. n. 55. But Roncaglia denies in c. 4, q. 6.

Reply 2. Milante and Vioà in the same. Reason, because the word cannot ever be perceived by those surrounding it, this would indeed be a purely mental restriction, which is never licit according to what was said in book 3, note 168. But this reason does not convince, because in so far as speech is restricted to such an extent that it must be spoken in a manner that does not deceive the person with whom one speaks, so that the hearer may perceive the truth, then such purely mental speech is forbidden; whereas in the unfolding of the form of the Sacrament, the Minister is not bound to speak in such a way that the recipient of the Sacrament hears those words. Wherefore it does not seem to hinder that such an occultation be restricted to mental discourse; hence the first opinion does not seem disapproved. 60. — For the same reason of irreverence, neither he who administers nor he who receives the Sacrament would be excused by a mortal, as Croix says ibid., n. 157, with Carden and Gorm. But this arises when there is a true simulation of the Sacrament present.

Hence is inferred I. with Carden. in d. Prop. 29. nu. 73 and Croix nu. 158. with Dicast. Thus Cardenas says in n. 71: if anyone should approach with intention that those present believe him to be confessing, then indeed he is said to sin by a sin of lying and sacrilege. As regards the peccatum sacrilegii, I cannot acquiesce to this doctrine, since there is a lack both of matter and form, and I do not know how to understand where the simulation of the Sacrament might be. It is said that in the case where someone will not be able to dispose himself for Communion, he could at some point meet with the confessor to avoid infamy or scandal, so that this person may say only the words: Corpus Domini nostri Jesu Christi, custodiat, etc., and not offer the Host, as Croix admits in his book 6, part 1, n. 160, with Moya; Leand. Thus it should be said, if the parish priest exposes the unconsecrated Host in accordance with a convention, as teach

S. Vasquez and others commonly, against others. Reason, quia tunc licet nec etiam simuletur Sacramentum, quod ibi non est, tamen exponitur panis adorationi adstantium, et ipsius suscipientis, qui congruent peccaret externè adorando idolum, etiam ex metu mortis; sic quoque semper peccaret, externè ado- rando hostiam non consecratam; et peccaret gravius quam si indignè communicaret, ut patet ex cap. De Homine. 7. de Cel. It is said where it is stated that it is worse for a Priest to fail to consecrate during Mass than to sacrilegiously consecrate and communicate. 62. — It is inferred that III is not illicit to simulate the celebration of Matrimony out of grave fear, as commonly taught by 1 and 1.

D. 11. n. 2. Palais trad. 5. D. 2. Page 12. P. P. 102. n. 15. who also asserts the common [position] Cardenas n. 79. Croix n. 162. cum Milante.

Reason, because then the matter and form of the Sacrament are lacking, since the voluntary consent is absent; for the Sacrament is not completed without it, but on account of the lack thereof at that time, it is invalidated by reason of coercion according to the law of the Church. And in this case he who simulates would also be excused from lying, if those standing by could advert to the circumstances and see him as unwilling to contract; or in the case where they cannot perceive it, contracting by saying "I will," would understand himself as willing so far as he is able, as Scotus notes in 4. Difference 29. And for the same reason they say at Croix 1. c., that one does not commit sacrilege by contracting Marriage, knowing himself to be hindered by an impediment removing. — DISCOURSE ON THE CLERIChabituated in a shameful vice, desiring immediately to be initiated into the Sacraments 63. — QUESTION, which I shall explain below, recently was much discussed among the wise men in Naples. In this very matter I myself have treated rather concisely in a certain place in my Book of Annotations at Busembaum, almost incidentally. But from this, since I had observed with great diligence that it was both very useful and necessary that the true decision concerning it should agitate the confessors, so that they themselves might strive to hold the sentiment which they had judged more expedient for the good of the Church; therefore I deemed it worthwhile to take pains and thoroughly examine the matter anew.

This question indeed is: whether it should be denied to a cleric habituated in secret sins of lasciviousness, who wishes to ascend to sacred Orders without previous experience of continence? Some Neo-rite and learned Author of the Book printed in Rome, whose title is Instruzione per li Novelli Confessori, treating of this point (Part. 2, c. 3, n. 65), wrote thus: 'Today there is no direct Law, neither divine nor human, which prohibits ordination precisely for being habituated to the lasciviousness and other

secret sins except if one has contracted irregularity through voluntary murder or some other sin... But it can be doubted on account of natural Law, inasmuch as by Ecclesiastical Law or by the implicit vow annexed continence to sacred Orders, the candidate against the dictate of true prudence wishes to assume a burden which he cannot bear, etc. It seems to us that according to the Law of Nature alone, here one must proceed with distinction; for if the Ordinand believes sincerely and in good conscience that he can live chastely, and can rid himself of evil habits, and do all that in his judgment and that of the prudent Confessor is deemed necessary and expedient for amendment, he may be promoted, and the Confessor cannot forbid it. Then he adds (n. 66.) 238 LIB. VI. TRACT. I.

OF THE SACRAMENT. IN GENUS. CHAP. II. Moreover, we add that since these (as we suppose) are not indisposed for the Sacrament of Penance, it also should not be precisely said that they are indisposed for the Sacrament of Orders, which requires for worthy reception only the state of Grace; and by itself it is no occasion to anyone's sin, but rather from it a new and distinct grace comes to the soul. Subservient tamen (n. 67.) Dicimus quod si quis voluerit promovendi ad sacros ordines et non crediderit (siccom' est dictum) sinceramente quod in illo statu possit observare castitatem propter malam habitus lasciviae, non debet promoveri; et insistens in hoc negatur ei sanc-tionem quasi indignus et indispositus. Thus the aforementioned Author.

Others, however, seem to have spoken too rigorously regarding this, for Natalis Alexander says in his Theology. Dogmata et libri duo de Sacramentis ab Annae. Reason 19 established this rule: "No one is to be promoted to sacred orders unless either he has lived innocently, or he has washed out the hidden stains of the former life with long penance." The same is held by Jueninus in his treatise on the Sacraments. Disputation VIII, Question VII, Chapter Two. The same is said in c. 3 of Sacr., which requires great and lengthy care, stating that no single year suffices for such a proof.

The same Van-Esper t. 4. p. 2. c. 2. §. 8. Sentiments on verse 535. How much? A cleric clothed in habit is to be approved at least for twenty or eighteen months. This was drawn from D. Gregory, lib. 4. otherwise lib. 3. Epist. 26 ad Januar. ubi: « Ne unquam si qui ordinati sunt, » pereant; provideri debet quales ordinentur, ut prius aspiciatur si vita eorum continens in annis plerimis fuit.

He brings forward Natalius saying that confessors should prohibit clerics who are clothed in luxury from ascending to higher grades, rather than ministering in those received. But amidst this variety of opinions, I have

devoted effort so that it might be thoroughly examined by many Theologians of the Neapolitan City; and after lengthy discussions back and forth, we agreed upon a middle way in this judgment or conclusion, namely, 1, that both the law of the present Church and the ancient one, always constant, binds both bishops and confessors and those to be promoted, so that when any cleric who is recidivist or habitual in carnal vice desires to ascend to the sacred Order, whether Subdiaconate, Diaconate, or Presbyterate, although he may have sincerely converted himself to doctrine and thus can immediately be absolved; yet he will not be able to receive the sacred Order unless he expends some time in rooting out the evil habit. Even though he persists in the opinion that the Order should be immediately received, he is not considered disposed for absolution, because he violates the Church's law in a serious matter. II. That notwithstanding, it can nevertheless occur a case in which God may grant to the penitent such an extraordinary grace of compunction, that he may be made so approved, that he himself immediately may assume the sacred Order, and thus (if from valid conjectures it be established in the Confessional), receive the benefit of absolution, without what is previously confirmed by experience of time. OF THE MINISTER OF THE SACRAMENTS. DOUBT.

II. 23g Gs. — The first part is proven from that of the Apostle (1 Timothy) « Therefore it is necessary for the Bishop to be irreproachable, a one-woman man, sober, prudent, dignified, chaste... not a novice, etc. » That which is irreproachable explains D.: « A vice in the Bishop is not to be as optimal as possible. » » But that which is not a neophyte, he comments: « This, which he says, pertains to those who are not only novices in age, » but also in perfection novices. » What, however, the name Episcopus includes all priests by its designation, assert S. Ambrose. Saint 66. — It is proven 2. Sacred Canons. The rule of whose norm (speaking the Fourteenth [Council] on this matter to the Bishops, in the Letter.

Encyclical Where first, that which must be entirely observed, lest you suffer yourselves to be led astray. If so. III. concerning many matters. Outside the article and quality order thus it is said: "Let the impious blush and understand by judgment," the Holy Spirit says to those who have been placed in the sacred orders, namely the priesthood, deaconate, subdeaconate, if they have not lived chastely, to exclude them from every dignity of their same grade. » And again: « Let no one be permitted to approach the sacred Order unless he is either a virgin » or has proved himself to be properly chaste.

» Item habetur in Ep. x. Siricii. Sacra e. q. quod subdiaconus «ad diaconi gradum, si se ipsa præeunte continentia mititus, dignum probavit...

accedat». Item S. . i. Ep. 42. sic præscripti: « Nullus debet adminis- terium altaris accedere, nisi cujus castitas ante susceplum ministerium fuerit approbata. » The same was sanctioned by the Council c. 13, where it was stated: "Subdeacons and Deacons who are ordained having a good testimony, and approved in lesser Orders... who hope to be able to contain themselves with the help of God."

And although the words and those who are approved in minor orders are to be understood directly of external probation which the Bishop should demand of the probity of the one ordained, as I hold with others; nevertheless, it cannot be denied that the Council does not so much require external probity (which without internal would not be true probity but mere hypocrisy and deception), but rather principal internal probity; for since the Church does not judge of hidden matters, it requires explicitly or directly only the external, yet it demands this as an indication of internal probity. And this is evident from the text of St. Paul referred to above, where the Apostle discreetly distinguished between external and internal probity, and indeed required both in the priests with these words: « It is necessary that an overseer be blameless, temperate, sober-minded, etc. » Behold the necessity for internal probity; then he indicated the necessity of external testimony with the following words, namely: « But it is also necessary that he have a good testimony from those who are outside. » » Therefore, D. Thomas, explaining this Epistle of the Apostle, writes: 'Firstly, therefore, he shows what bishops ought to be in themselves, secondly, as regards others.' And thus the Council, in chapter 23, says: "Only those are to be promoted to the sacred orders whose proven life has reached old age." What, however, this senectus of a probatæ vitæ is, is found in Wisdom (c. 4, v. q.) 2 4 0 LIB. VI.

TREATISE. I. DISACRAMENTUM I N: KIND. CAP. I I. Mortal sin.

And because the Council said it. I X. Session cited for the end of greater probation of good life, it is written between the interstices among different orders of grades, saying: "That in this age may their merit and doctrine greatly increase." And hence in the Roman Pontifical, the Bishop ordaining speaks to those to be initiated as priests, saying: "That the most heavenly wisdom, good morals may grow, and a long observance of justice may lead to them who are elect." Hence Innoc. In his twelfth Bull Speculatores, issued in the year 694, speaking concerning interstices of ordinations, he thus commands: "Before the merit of labor, before the time of hunger, before experience of discipline, no regard is to be shown to the honor of the Priesthood; nor is it ever permissible here a sacrilege, today priests are profaned, today Antistes of the Sacred, vitiated by vices, deprived of virtues, and from disciples there are created simulacra of masters in piety."

But they are promoted to the limits of the ministry of sacred things only according to the constitutions of the Major Laws, when they have been confirmed by intercourse with the Clerics through conversation. » And D. Hieronym. apud eundem. D. T. H. L. C., dicit: « Non solum episcopi et presbyteri et diaconi debent magnopere providere, ut quem prae sedet populum et sermonem et conversatione praecipiant; verum etiam inferiores gradus et omnes qui Domini oracula serviunt. » » 6 7. — It is proven by the reason and authority of the Doctors, because whoever wishes to ascend to the dignity of sacred Order, it is not sufficient for him merely to possess the simple status of grace, but rather requires an eminent and habitual righteousness. Even though the penitent who has yielded to the habitual lusts somewhat turned back, yet being still entangled in pernicious habits and remaining weak, he is scarcely capable of absolution, but not of sacred ordination.

Wherefore, because if any affection and any taint of sin not yet purged should ascend to the altar's summit, he would neither dare nor be able to ascend thither; hence it is necessary that this be first proved by experiment, so that he may be found worthy of sacramental absolution. Wherefore S. Bernardus de Cono ad Cler. cap. 2, 1 scripsit: "Nullus ad altare ministerium accedere debet nisi cujus castitas ante susceptum Ordinem fuerit approbata." It is to be noted that what has been said regarding the avoidance of luxury and vice applies equally to whatever else there may be, namely, of intemperance, avarice, blasphemy, hatred, etc. But as regards the most sacred Mysteries of the Mass, it is not sufficient merely to offer simple thanks without understanding; rather, interior perfection must diligently be sought, which is confirmed by common consent. Fathers and Doctors, who for no fault flagellate me. And especially S.

Th. 2. 2. q. 184. a. 6., loquens de exercitiis sacrorum Ordinum, ait: « Quamvis interior » perfectio hoc adhuc requiratur, quòd aliquid dignè hujusmodi actus exerceat. And in question 8, article 6, it is said: "Even though an interior perfection of this kind is required, one who is designated to some most dignified ministries of the sacred Order, by which Christ serves as Priest in the Sacrament of the Altar, for which a greater internal sanctity is required than that demanded even of Religion." » Item q. 189. art. 1. ad 3. loquens pariter de probitate DE MINISTRO SACRAMENTORUM. DUB. II. 241 Clerics and monks says: "The sacred orders precede sanctity in respect to excellence, but the state of Religion is a certain exercise toward obtaining sanctity; hence, the weight that should be imposed on Orders is upon walls already dried by sanctity, but the weight of Religion dries walls, that is, men from the moisture of vices. And

the same previously said, S. 2., de Multo: that greater integrity is necessary to this than to those.

Item S. Thom. in Suppl. qu. 36. a. 4. ad. 3. ait: « Ad minus (id est non solùm ad minus, ut ibi explicat Glossa) hoc requiritur, quod nesciat Ordinans aliquid contrarium sanctitati; sed etiam ampliùs exigitur, ut secundàm mensuram Ordinis, vel officii injungi diligentior cura apponatur, ut habeatur certitudo de qualitate promovendorum, saltem ex testimonio aliorum. » And it is confirmed by the testimony of S. Dionysius (in dec. quaest. 36., art. 1.), who wrote: In the Divine, there is no one who can be made a leader for others to follow, unless he has been made deiform and most similar to God according to all his disposition. More urgently demands this, which S. Thomas teaches in art. 1 ad 3, where he says: "For an appropriate execution of the Ordinance, mere goodness is insufficient; rather, excellent goodness is required." It is likewise untenable to say that this Holy Doctor required excellent goodness for the execution of Orders, but not for their reception, inasmuch as grace confers competence for the sacred ministries even in the act of reception. For in that same place the Angelic Doctor explicitly requires the merit of positive sanctity both for the reception and for the execution of Orders. To this it must be observed that the Saintly Doctor did not intend to prove otherwise in the cited article 1, except that certainly in the Sacrament of Orders grace is conferred which makes one pleasing.

Hence thus it opposes itself in the third objection: "No cause presupposes its own effect; but in him who accedes to Orders, grace is presupposed, by which he is made fit for the reception of Orders." (This grace being presupposed, we shall soon see that not indeed it is denied, but it is approved and confirmed by the Saintly Doctor in his response.) Therefore such a grace is not conferred in the conferring of Orders. Up to this point the objection; then he responds thus: "To the third point, I say that for the proper execution of Orders, mere goodness is insufficient, but an excellent goodness is required." "Of this, however, the reason is given: 'That those who receive the Order may be congruent with it in a greater degree, so too the superiors may merit greater sanctity.'" Hence confirming the presupposition of the objection as we said, namely that for receiving Orders grace is required which makes pleasing, or preceding merit of sanctity, he thus infers: "And therefore (note) grace is prerequisite which suffices to this, that they be numbered worthily among the people of Christ." » Finally concludes: « But in the very reception of the Order there is conferred a greater abundance of grace, by which one will be rendered more fit for greater things. By which words intends S. Th. to prove that the grace of the Sacrament is not merely future and useless for him who receives it, but rather greater aids preceding, so that he may become fit 42

 Regarding obtaining greater merits: but it already presupposes and expresses that which is required in the one receiving grace to make him pleasing, which suffices to render him worthy to be numbered among the altar ministers.

Whereby any grace does not suffice for the execution of Orders, so neither for their reception. Indeed rightly says Herbert de Ordine p. 3 c. 3 at the end, that Penitence is instituted for the infirm, and therefore it should be conferred on the infirm; but the Order, since it has not been instituted for its own salvation but for the sake of others, ought to be conferred upon the healthy. The same is confirmed by Gloss in the aforementioned text, saying: "Since" indeed it is presupposed in him who ascends to the Sacrament of Orders that there be a grace making him pleasing, according to the mode whereby he can worthily receive Orders; yet it is not presupposed according to that degree whereby it is caused by the Order received. Accedingi igitur sufficit esse in gratia, sed jam eidem suscipienti Ordinem augmentatur gratia illa. Take heed of these words: "Although grace is presupposed according to the manner in which it can properly receive the Order." Therefore, for receiving the Order alone suffices sanctifying grace, as some have understood this Gloss; but it is required such a degree of grace and merit that one may worthily ascend to that.

And although the Glossator there adds: For one who approaches suffices it to be in grace; he understands certainly not of simple explained grace, according to the mode, etc. 68. — The same is understood by Sotus in 4. q. 1. n. 3. where he treats of the Sacraments. The Ordinance states that positive sanctity is necessary in the Ordaining by divine precept; and in his own words: « The first conclusion », although moral integrity is not part of the essence of the Sacrament, is » nevertheless most necessary by a divine precept... But now regarding what is defined concerning their suitability for initiation into the sacred Orders in the present article, is it that general disposition which requires in the recipient of any Sacrament that holy-mental grace may not find an obstacle? There is also a certain actual preparation, but definition according to mode relates to habit (this Sotus signifies, that Promovendus should be habitually good); for inasmuch as man does not merely receive grace with regard to sanctity of Order, but ascends to a higher degree, there is required in him moral integrity and the clarity of virtues. The same is asserted by Sanchez (conf. c. 1. D. 46. n. 1.) In promovendo ad Ordines requiritur bonitas vitæ, quod non est intelligendum de generali bonitate, id est ut caret peccato mortali; hoc enim ad omnia Sacramenta requiritur; quia per Sacramentum (ordinis) homo ad sublimiorem gradum conscendit, requiritur in eo mor honestas,

scilicet ut sit sobrius, castus, etc. Idem dicunt n. 40.) Ad hoc ut aliquis ad ordines promoveatur, bonitas vitæ requiritur, non illa sola quae ad receptionem omnium Sacramentorum licitam postulatur, nimirum quod sit expers lethalis culpæ; sed ultra requiritur quod sit honestis moribus imbutus. P. Holzmann adds, saying thus: "It is required that (the candidate for ordination) shine forth with special probity of life: special, I say; for it is not sufficient to receive orders by common probity which is demanded for the reception of any sacrament, but a necessary and special one is required from which it may be hoped that the candidate will shine by a good example."

Consistit autem illa specialis probitas in recta intentione specialiter Deo servoandi, in casta et sobria vita, in bona conversatione ordinandī. If therefore it is certain that the cleric who desires to ascend to the dignity of the altar should not only be free from mortal sin, but moreover bear before himself habitual virtue, and indeed excellent virtue, so that this may be a fitting preparation corresponding to the grace of the sacrament of ordination which is conferred in a manner of habit, or as one which perpetually provides its own peculiar aids to the ordained; it is also certain that he who has hitherto been engaged in luxury will be capable of absolution if perchance he has given signs of penitence, but he will not at the same time be worthy of sacred ordination; for it is another thing and very different to simply be in a state of grace, than to possess great goodness. Wherefore from all that has been said it is concluded to be a divine precept, and one which has been guarded by the Church from all time and promulgated, that he who in flagitious sins, even though they be secret, is either a recidivist or habituated thereto, should first undergo a suitable experience of chastity before assuming sacred orders. Otherwise, on account of his own grave presumption and because he has offended the law of the Church in a serious matter, the Confessor will be bound to deny absolution. As regards the second part, we do not think it should be minimally denied that it can sometimes happen that a cleric, although habituated and recurrent in venial sins of the flesh, is nevertheless graced with such compunction by God that he is deemed worthy to immediately assume the degree of sacred Order; and thus then he escapes absolution, even though he has not been approved through previous experience. Certum est autem neque solum probationem exterioris, sed etiam interioris a Ecclesia postulari necessario in hujusmodi penitentibus; sed non dicimus necessariam esse probationem temporis. Once according to the ancient discipline of the Church, never was anyone permitted to ascend to Orders who after receiving Baptism had committed a mortal sin, even if he had performed due penance, as testify S. Isidore, S. Jerome, and S. Martin I. Pope, among others.

Gregory. 1. 4. epistle 7. Then nevertheless, for a while afterwards, those who had suffered infamy on account of some grave crime, or had performed public penance, were excluded from Orders, according to what is read in the Council. Cartaginiens FV. Can. 68. where, for penitents; even if any is good, a cleric is not ordained. Finally according to Habert and Jueñius from the eleventh century, as it is reported, the severity of this discipline was remitted, as can be seen in chapter Fraternitatis of Distinction 34, where Pope Pelagius was asked by the Bishop of Florence whether he could confer the Diaconate upon a cleric, which 2 4 4 LIB. I V.

TREATISE. I. DISACRAMENTUM ENGENDERING. CHAP. I I. At one time, when he was married, he had behaved improperly with his own maid-servant. Pelagius respondit: « Et quamvis multa sunt, quæ in hujusmodi casibus canonice jubeat observari auctoritas solemnitatis, tamen quia defectus nostrorum temporum, quibus non solùm merita sed corpora ipsa defecerunt, distinctionis illius non patitur in omnibus manere censuram: et ætas istius de quo agitur futuræ incontinentiae suspicionem auferre dignos citat ut ad Diaconatum possit provehi, temporum ut dictum est condescendentes defectui concessisse nos noviris. »

Item in cap. Ex tenebris, De Temp. The ordinance is thus stated: "Verily, since you have said that the sin itself shall be kept secret, we command that you impose on him a penance fitting for his guilt, and persuade him to use the order received, so that content with this part of the penance, he may not ascend further to superiors." Verumtamen, quia peccatum occultum est, si promoveri voluerit, eum non debes aliqua ratione prohibere. However, it is to be noted as we said in no. 52, that this Canon was correct in part according to Sess. 14 of 70. — For since neither the Church’s precept nor the present discipline’s custom constrain those who are to be promoted to sacred orders solely by the duration of time to recognize a penitent as fit and prepared for such dignity through the confession of a doubtful case, whether he has been sufficiently approved either by temporal experience or some other way, and is disposed to assume so great a dignity. It may indeed happen well that God, whose judgments and mercies are amazing, may grant efficacious aids of grace to someone, so that the vehemence of compunction may compensate for the probation of time. It is taught by Doctor Thomas that God sometimes removes the remnants of sin successively through His cooperating grace, and at other times immediately through a great disturbance, whereby man attains perfect spiritual health.

This teaches the Third Part, Question 76, Article 5, Ad 1, where it inquires whether all the remains of sin are removed with remitted mortal guilt? It objects to itself (in the first objection) the authority of St. Augustine in

Book on Penitence, Chapter 2, Tome 4, who says: "Never did the Lord heal anyone whom He did not utterly liberate; for He completely healed the whole man on the Sabbath, because He freed both the body from every infirmity and the soul from every contagion." The Angelic Doctor responds: "Sometimes (God) converts so much the heart of man by such a great commotion that he suddenly perfectly attains spiritual health, not only remitted mortal guilt, but also with all the remnants of sin removed; as is evident in the case of Magdalene, Luke 7." At other times, however, it first remits the guilt through the operative grace, and subsequently removes the remnants of sin. » If therefore the efficacy of Divine grace can avail to take away all the remains of sin, that is, to cause the weakness of the soul from the wounds caused by sin; for this reason, although the dispositions of evil in the sensitive powers are not taken away, yet the mind can nevertheless acquire such strength through the vigor of grace as to be able easily to resist them. The same has taught in question 30, article I, answer one, saying: "But the remains of sin are not said here to signify dispositions left from acts; which are certain inchoate habits; but rather spiritual weaknesses existing in the mind itself; and when these are removed, even though some habits or dispositions remain, the mind is not so easily inclined to sin. » Therefore, there will be no necessity for such habituation in experience unless the weakness of the soul contracted from evil habits is healed, and it can easily resist the crooked dispositions, since it is found that the same thing has equally, and perhaps more robustly, acquired strength from the power of grace.

Recte enim dicit S. Ciprianus: « Non pro mora temporum, sed compendio gratiae maturatur caritas. 71. — Non quidem negandum sunt hujusmodi conversiones extra-ordinarias esse, nec sæpe evenire, neque etiam in exercitiis spiritualibus, quæ ad sacros ordines præmittuntur solent; quoniam plerumque ad hujusmodi exercitia promovendi coacti accedunt. Therefore, the confessor ought to recognize other extraordinary signs in his penitent, so that he may permit him to ascend to the sacred order. Now if ever (though rarely) such extraordinary conversions accede; there is no reason why in that case a penitent more disposed to receive Orders should be proved by long trial of probity rather than by manifest and vehement contrition of heart, and a will so firm, which having been grafted with the hope of divine assistance, especially actual ones, which are obtained from God through the Sacrament of Orders, that he may lead a life in ecclesiastical ministries both chastely and honestly not only propose to amend himself but also employ all suitable means which can at once curb concupiscence and render him worthy to approach sacred Mysteries; rather, the penitent having begun from that singular gift of contrition to earnestly and firmly demand chastity from God and simultaneously recognize a notably diminished ardor of concupiscence in himself, should

feel himself already prepared for the observance of chastity. That if one who has sufficiently been approved is considered to have diligently striven to extirpate a self-restraining habit over some time, much more ought that person to be esteemed as having been approved, who, being moved by special grace of God and manifestly contrite with vehement compunction, has been deeply pricked. The duration of time is thus deemed sufficient proof of penitence because it is a sign of the firmness of the penitent's will; yet it does not often happen that someone restrains himself from vices for a long period of time (according to the words of Saint Gregory); but rather he who fears the relapse more than he who has shown such grace of contrition, so that the prudent confessor may rightly recognize that his will has been changed; hence, he can properly and confidently hope that with the help of divine grace and the means which he himself proposed to use, he will keep chastity, according to the Tridentine (in c. cit. 13): "Those who hope, by God's authorship, to be able to restrain themselves." This is sufficiently confirmed both by the Pontifical and by the Roman Catechism.

In Pontificali autem legitur, quod Episcopus loquens ad initiandos in Subdiaconatum dicit: « Si usque nunc fuistis ebrii, amodo sobrii; si usque nunc inhonesti, amodo casti. » 2.6 LIB. VI. TRACT. I. ON THE SACRAMENTS.

IN GENUS. CHAP. II. Let the words be noted, if even until now, to signify that the Church today excludes not those who perhaps up to the time of Ordination have been unseemly, provided they have such a change of heart which makes them worthy not only of the benefit of absolution, but also of the degree of sacred order, if without temporal probation they wish to ascend thereto, according to what D. Anselm wrote (1. 1). Epist. 56.) "Nec apud Deum reprobatur officium alicujus prop- ter culpam quam ipse ignoscit; nec apud homines dedecoratur sacri Ordinis dignitas propter personam, cujus ipsi peccatum non agnoscunt." 72. — In the Roman Catechism (on the Sacraments) it is said in the first place that one who is to be initiated into the Sacred Mysteries should above all bear with him a great integrity of life. Then it is added that those bodily defects which in the old law excluded men from altar ministry are today to be understood as defects of the soul which repel men from the reception of sacred orders.

And this ought to be diligently noted, that among bodily defects, according to the ancient law, the chronic scab was reckoned as a defect, as can be read in Leviticus 1:20. If leprosy be scabies, etc., which is commonly interpreted as a vice of lust, as explain D. Hieronymus and D. Gregorius. Finally, the Catechism concludes that those who have been contaminated by such vices are bound according to the present discipline of the Church to cleanse their consciences through the Sacrament of Penance, without

any prescribed temporal probation. In the very words of the Catechism: "First therefore it ought to be most earnestly recommended that in him who is to be made a Priest there be commended above all the integrity and moral uprightness of life.... And at the same time it should be taught, those corporal vices which in the law of the Lord were prescribed as excluding someone from the ministerial service of the altar are especially to be transferred to spiritual vices according to the evangelical law." Wherefore it should be earnestly observed in the Church to maintain that holy custom, that those who are to be initiated into the Sacraments diligently strive first to purify their conscience with the Sacrament of Penance. Hence it is evident that the Catechism implies that someone, even though liable to vices, can rightly benefit from the gift of absolution and thereby receive sacred Orders even without previous experience of time; provided always that he be otherwise suitably disposed for such a dignity.

Hence even Jueninus in this present question, although he is elsewhere the most rigid follower of severe opinions in his Work on the Sacraments. Diss. 8. qu. 7. c. 2. has altogether indicated the necessity of temporal probation, so that a cleric tainted with a disgraceful vice may be permitted to ascend to sacred Orders; yet in his own Institutes p. 8. In Diss. 7, q. 5, at the end speaking about one habituated in a foul vice, as if correcting himself and acting more benignly, thus he says: "Indeed, since few are the rules," which do not tolerate any exceptions, this task is to be committed to the prudent wisdom of a wise and learned Director's discretion. But you shall say I. That a person may lawfully receive sacred Orders requires not only an external but also an internal divine calling; how then can it be thought that he who has long been defiled by the vice of lasciviousness is called by God, unless first he shows signs of true calling through long penance and exercises of virtue? And how can the confessor grant him absolution whom he does not recognize as called to divine vocation by God?

It is answered that there is no doubt: if anyone should dare to approach the sacred ordination, knowing that he has not been called by God, he would not excuse himself from mortal sin, especially on account of a grave presumption in intruding into the sanctuary against God's will, as the Apostle says: "No one takes this honor for himself," but only he who is called by God, like Aaron. Hebr. 5. v. 4. Then by reason of the certain danger of damnation to which he thereby exposes himself, as Abelly asserts in his golden little work, entitled Sacerdos Christi c. 4., where he says: "He who knowing that there is no divine calling, intrudes into the priesthood on account of this reason, most certainly thrusts himself into the open boundary of salvation by sinning against the Holy Spirit; a sin which we learn from the Gospel is hardly, or at most very rarely, forgiven." » However, in order that the candidate may be excused from

guilt, it suffices for himself to bring forward a good end as a pre-condition and to offer himself to the Bishop so that he may be approved, provided that he certainly does not know himself to have never been called by God. Juéninus in citato. Book of Sacraments.

Disputation 8, Question 7, Chapter 2. After having proven the necessity of divine calling, he says: 'Even clerics may offer themselves to the bishop,' thereby proving whether they should be promoted to higher orders. "For indeed, as it is added, 'He who examines himself whether he should be promoted to greater Orders does not judge himself worthy thereof; and therefore he is not guilty of presumption.'" Therefore, all the more the Confessor will not be able to deny absolution to a Cleric willing to receive Ordination after his Confession, unless he is certain that that person lacks divine vocation. But how, however, can the Confessor in our case be able to have this certainty? A life lived in sloth does not indeed provide its own penitent with certainty that he has never been called by God. Why might it not have happened that the Lord once truly called him, and he himself responded ill to the aids already prepared for his resistance?

Without doubt, Judas was called by Christ the Lord to the Apostolate, but he himself badly prepared himself for it! Why, moreover, will it not be thought that that extraordinary conversion which we suppose is a divine calling by which at the same time the penitent was gratuitously endowed with it from God? Perchance God does not call to the priesthood even those sinners who repent? Whereby it is concluded that in our case, supposed with circumstances as described above, the Confessor cannot deny absolution to his penitent who has obtained the right thereto strictly and rigorously through confession. You speak the second. If the Church should recognize that the Cleric had hitherto lived so licentiously, it would by no means admit him to Orders.

But it is replied that if the Church knew at once her own repentance and the vehement compunction from God granted to her in the manner we assert, she would not repel him. ## 248 LIB. VI. TREATISE. I. ON THE SACRAMENTS. IN GENUS.

CHAP. II. 74. — YOU WILL SAY III. This cleric, long accustomed to a base vice, wishing to assume the Subdiaconate, is exposed to the imminent danger of relapsing into the same sins and increasing the guilt of sacrilege by imposing upon himself an indissoluble vow of perpetual chastity, which he will be able to observe with difficulty due to his corrupt habit; hence, this act, as Habert supposes, is done presumptuously and unworthy of absolution. Although this objection appears to have great force, it truly has no weight at all. Thus far we have said that such a habitual penitent,

although capable of absolution, if he does not wish to be ordained, will nevertheless not be able to be absolved if he dares to assume the sacred Order, unless he has been approved through extraordinary compunction; as is evident from what has been observed, namely, that for receiving the sacred Orders it is not sufficient merely to have the state of grace, but it is necessarily required in addition an excellent goodness which can be overcome by divine assistance and acquired by the penitent at the moment. Moreover, si quiscumque alius habituatus in lascivia, sed jam sat dispositus ad absolutionem, vellet statim sine experientia emittere votum castitatis, cur non poterit Confessarius eum statim absolvere? Whether there will be a vow even in that case still from better good? If it were not of a better good, it would indeed be nothing at all; but the Doctors commonly teach, as Sporer asserts (in Voto c. 2. n. 61), that such a vow made by one habituated in lasciviousness is valid.

He also says, La Croix, lib. 3, p. 1, n. 401, cum. He likewise discreetly confirms this in D. c. 5.), where he asks whether one who has lived a long life in vice can validly profess vows of Religion after such a life? He responds, that it is not expedient to impose great works upon men of slender virtue: "Yet (he adds) if soon converted spontaneously they should wish to send their own number up to higher things, who will dare to forbid them?" Furthermore, if anyone in such a state of disposition should refuse to marry, it should be said that he could not be absolved even though he was disposed, because this person wished to remain in the danger of relapsing. But who has ever asserted that Marriage is a necessary remedy for continuing oneself? The Apostle wrote: “For if they do not contain themselves, let them marry; for it is better to marry than to burn.”

Chapter 7 of 1 Corinthians. But this is commonly understood by interpreters, unless someone does not wish to employ other means. Hence arises the question: whether a vow, by which one binds himself to abstain from marriage, is valid for the purpose of freeing oneself from the habit of incontinence. Others, as Lessius in lib. 2, c. 40, n. 44. Palaus t. 3. tr. 15. Doctor 1, n. 14.

Soto l. 7. q. 1. art. 3. with Fag. de Voto c. 1. n. 40. they say absolutely that such a vow is invalidum, because it never concerns a meliori bono, congruent est coelibatus. Others however, as 4. c. 8. n. 53. Bellarm l. 2. de in fin. Good. Nao. et plures communius cum c. n. 41 et 42 asserunt tunc solùm validum esse votum, quando vovens nolit, aut non possit aliis mediis uti. The same Sporer in n. 61 and 62 of his work on Vows says that one is bound by such a vow only if he does not wish to use another remedy.

The same [person] asserts that according to certamen 1. tractatus 4. caput 2. nomen 12., he says in these words: "It must be said secondarily with Lessius and Conin.: such a vow is obligatory according to the hypothesis, if one perseveres in such a state of sinning and does not employ effective means for amendment which with God's grace can be used; so that such a person should not be considered living otherwise than this at least remedy (which is matrimony), if something better, namely continence, is not employed; therefore, if his firm purpose and effort are provided, he is released from the vow." You shall knock: but a layman unwilling then to marry remains nevertheless free, so that he may later marry if he wishes; not thus the Subdeacon after reception of the Order. It is replied: but if that laic should determine firmly in his soul never to wish to be bound by Matrimony, but rather to use other means, can it on this account absolute denial be given to him? Dices IV. Gregory teaches: "Non debet aliquis non purgatus sacra Mysteria adire." » Whereupon Juveninus (c.) says that it is not possible to promote to sacred Orders those who have not yet purged their sins through the labors of due penance. But it is replied with St. Thomas, who (2. 2. q. 185. a. 2.) asks, « whether one may absolutely refuse the Episcopate imposed by command? »

» It responds to objection 2. (in which the words of D. Gregory are referred to) that if an impediment cannot be removed by the subject, then one is not bound to obey, because no one is bound to obey something illicit; but rather 'if the impediment can be removed,' for instance if he has a purpose of sinning, which he can abandon. Therefore Angelicus supposes that it is permissible for someone to approach sacred Mysteries, by accepting the Episcopate or even the sacred Orders (as stated in the same place), although he may not yet be purified from his own sins; provided, however, that he be internally approved for such grades. Otherwise, as mentioned above, neither could he be ordained nor would he be bound to obey. It is one thing to be unpurged, and another to be unapproved. Concerning this matter, nevertheless, none of the aforementioned objections being valid, it must entirely be held that, as a cleric who is habituated in vices can be absolved, even though he himself desires to immediately, without temporal probation, accede to sacred Orders, he should have been extraordinarily manifested by God with such compunction so as to show himself sufficiently approved for the sublimity of such dignity. Furthermore, it must also be noted that the confessor should strive entirely to ensure that such a candidate is persuaded to defer receiving Orders until after some notable delay allows him to be more purged from the sins he has incurred. But I add, that it is more consonant and fitting, even if he himself is contrite, and sufficiently disposed by compunction from which he seeks both absolution as well as assumption of the Order not merely for absolution but also because he wishes to be ordained immediately without

waiting for any notable delay in order to be more firmly purged of the sins committed; yet his absolution should be deferred even if he consents, so that by experience of time he may sufficiently prove himself purified. Provided that, however, I accept, he himself should not be subject to censure on account of this delay in Ordination, whether it be the next 25th [of a particular month or event].

VI. TRACT. ON THE SACRAMENTS. IN GENUS. CAP. III. Periculum infamiae; nam in hoc casu censerem cum La Croix 1.6. p. 2. n. 1764 non posse Confessarium poenitenti disposito beneficium absolutionis differre, quia tunc ille ex Confessione practica habet jus non tantum ad absolutionem sed etiam ad eam statim obtinendam. Moreover, I confess that great caution is necessary in absolving such clerics who have scarcely emerged from the midst of vices to ascend to the altar ministry; for there can be no doubt that frequently a bad outcome is deplored from these, with great detriment to the Church and the ruin of the people. ## CAPITULAR III. ## ON THE RECEIVER OF THE SACRAMENT. ## DOUBT I. ## What disposition is required for the validity of the Sacrament in the receiver. 78.

See what are found in Busemb. — 79. Is it capable only of a traveler to receive the Sacraments? Whether only those who have been baptized validly receive other Sacraments? — 80. No intentio requiritur in puero et perpetuo amante quoad Baptismum, Confirmationem, et Ordinem. — 81. What intention is required in adults? Does a natural intention suffice?

Is it habitual? What about those who are asleep, intoxicated, and fallen into madness? — 82. Is the interpretative intention sufficient? 78. — « RESP. At the value of the Sacrament in adults on account of those who use the intentio percipiendi Sacramentum interpretativa, at least it is required and suffices (except for Penance, of which see below). Thus Communis. Theologians, together with S. Bonaventura, in the first question of the sixth part of his commentary on the Sentences, says: "I have said concerning adults, etc., because since only those conditions are required which pertain to the subject's capacity, children and those perpetually insane are not capable of their own intention; it suffices them therefore the intention of Christ and of the Church." Fill. tom. i. cap. 8.

Whereupon the resolution is: "1." Little children, being continually insane, are validly baptized, confirmed, communicated, and ordained, for it would be the ultimate sin; but previously these things were permitted. Bon. l. c. « 2. On account of their infirmity, the Unction is rightly given to the private individuals even now, not only if they have asked for it beforehand, but also if they were Catholics; nor does it seem to be necessary that they be in

a state of mortal sin: for this very thing itself is considered by many to have been intended and requested interpretatively, which others Christians, although never having heard about it. C. de Lugo on the Sacraments in general, d. q. n. 122 and comm. 3. It is invalid the Sacrament when one receives it with a neutral intention, having oneself negatively.

That which is received fictively, that is, simulatedly; yet not that which is fictive, that is, in an improper manner. 3. That which is received purely by force, with the mind entirely opposing it. Good. I. c. “ 4. Valid is the Sacrament 1. which one receives, wishes, that Christians receive, even though he does not believe, or does not wish the Sacrament. 2. That which someone receives through being coerced by fear, even though fear does not remove voluntary consent.

Marriage nevertheless initiated with great fear, for instance unjust death, is considered invalid, as taught in . 4. de matr. d. 12 et 14. C. de Lugo, Decretum, distinguitio 9, nota 133. And he who has received Orders under grave compulsion, although he possesses a character, nevertheless is not bound by continence; and he can marry, secluded from the sanctuary, as I shall say in their proper place. 6 (See things to be said about the Sacr) 6 » 79. — Above all, this must first be noted: only a journeying man is capable of the Sacraments, because only a journeying man is capable of original grace, or its increase; thus commonly Sucr. and others argue against Bernal. See Tour. in Praelect. p. 237, who proves this. Notandum II. susceptionem Baptismi omni- nino præexigi ad validam susceptionem aliorum Sacramentorum. This is certain among all, see Lugo on the Sacraments.

D. 9. num. 1. et Croix num. 165. Reason, because the Sacraments were instituted for the sake of the Church alone, and through Baptism alone men are made members of the body of the Church, as defined by Eugenius IV in the Decree of Faith to the Armenians. Hence Matrimony of infidels is not a Sacrament; therefore it is dissoluble, as noted in lib. 2 de Divort. See what must be said about it from eighty onwards — But many things are to be noted concerning the required intention on the part of those who receive the Sacraments. In infantibus nulla quidem requiritur intentio, cum suppleat in eis intentio Christi vel Ecclesiæ, congruent enim sine propria voluntate ipsi peccatum contraxerunt, ita sine voluntate ab illo liberantur. This is certain, namely, according to P. Q., 68, a. 9, and it is defined by the faith from VII, where it is said: "If anyone says that children, insofar as they are," do not have an act of believing when receiving Baptism, should be reckoned among the faithful; and therefore, when they reach the age of discretion, they should be rebaptized, or their Baptism omitted, since they

are not baptized by their own act but only through faith of the Church; anathema to this.

The same must be said perpetually regarding the insane, as teaches St. Thomas in loco citato, articulus 12, ad 1. And what is said concerning Baptism, the same shall be said concerning the Sacrament. Confirmations, ut 26. cum communi DD. The same applies to the Sacrament of Orders conferred upon infants (or perpetual widows), as rightly says Lugo, d. 9, n. 112. This is indeed certain today from the Bull Eo, although in time, of our most holy ones. P. Benedicti XIV edita 4 Maii anno 1745 (Vid. in p. 128.) ubi postquam in § 20 id declaratur definitum consensu Theologiomm et Canonicorum.

VI. TRACT. I. ON THE SACRAMENT. IN GENUS. CAP. III. Of hidden things, it is then prescribed in §. 27 that those who have been ordained as infants, when they reach the age of discretion, are not bound by celibacy; but the Pontiff prohibits this from the aforementioned canon.

Of those. Dist. 28. ut in anno XVIII detur eis optio, et si voluerint castitatem servare, admittantur ad exercitium Ordinis; secus si noluerint. And §. 40. subjoins that they themselves after ratification invalidly contract Matrimony, and are bound to Divine Office. 81. — But in adults certainly is required the intention of receiving the Sacrament; for the reason, because, speaking of Baptism: « That man may die unto the old life, » there requires a will possessed by one having use of free choice which repents him of the old life, so too does it require a will whereby he intends the new life. He moreover said Caj. in loc. cit.: but this opinion is commonly rejected by the Fathers, as at Lugo. D. q. ex n. 117. Petrocor. tom. 3. pag. 87. n. 7. et signanter à SS.

N. P. Benedicto XIV. in (See in n. 46.) And such an opinion indeed is contrary to the expressed doctrine. The same must be said about Baptism as regards other Sacraments according to Lugo, and generally regarding others. It is certain also among all, that in receiving the Sacraments an actual or virtual intention is not required; but a habitual one suffices, that is to say, one sometimes habitually present and not retracted. Thus Lugo on the Sacraments. D. q. nu. 105. Example 4, number 26.

Response 4. Peter. tome 3. part question 1. Antoine de q. 1. Response 2. Suarez 3. p. disput. 14. Section 2. Page 8. Number 38.

Sporer tome 3. page 22. question 2. Response 2. page 25. note 56. The same is taught by the Saints. Benedictus XIV N. in the aforementioned

with others commonly teaches. This is confirmed by the universal practice of the Church, which has not repeated the Sacraments of Baptism and Orders to those who receive them out of a previously held will. And this proceeds in all the Sacraments, except Penance and Marriage, as will be explained below.

Whether, however, the Sacraments are validly conferred upon those who are asleep, or drunk, or have fallen into madness, having previously had the intention to receive them? He denies this because (as he says) it is not presumptuous to suppose that they had the intention at that time of receiving the Sacrament, but only in accordance with and by means of the Christian rite. But most commonly and more probingly Lugo D. 4. num. 110. un. p. 7. n. 2. . tit. c. 6. n. 43. with Henry affirm [it] thus. Graff. et Angles ac Croix l. 6. p. 1. n. 176. cum Gobat. Autors. et Dianna et aliis. Reason, because for the validity of the Sacrament it is not required that the receiver act in a manner human and customary; but it suffices that he himself be a subject capable, insofar as he is truly one who previously had the intention of receiving the Sacrament.

This is confirmed by the authority of the aforementioned passage, which, after saying that sleepers and madmen do not receive the Sacrament if they have an opposite will, adds: "On the other hand, if they had the purpose of being baptized; therefore, the action impresses the character of the Sacrament." And of the same opinion is N. SS. But rightly they observe. p. D. 24. sect. And it is of the same opinion that conferring the Sacraments upon them is illicit unless in a probable danger of death, or when the impediment to the use of reason is deemed perpetual, otherwise it should be awaited until the time when the receiver becomes compos mentis. This is explicitly taught in dist. 6, q. 1, art. 2, q. 3, ad 7, where it says: "Si autem necessitas non sit," lucidum intervallo debet expectari in furiosis, vel vigilia in dormientibus. If, however, one is baptized in that state, the Sacrament is received, even though the baptizer sins.

82. — Sufficient is also the interpretative intention (namely, which was actually held at that time, but is presumed to be held by the recipient if he were himself of sound mind) in receiving the Sacrament of Extreme Unction, as Lugo says, D. 9, n. 127. Wigandt tr. II. Example 4. note 62. Reply 4. Ebel t. 3. p. 17. n. 58. q. 2. R. 2. p. 23. n. 154. and Croix lib. 6. p. 1. n. 172. with common: this is proven from the Roman Ritual of Extreme Unction where it is said: "This Sacrament is to be administered to senses destituted, who previously had sought it, or verisimilitudinously (nota) had sought it."

And si fortè æger fuerit sensibus destitutus in actu peccati mortalis,

probabiliter ait Vioa de articulo 7. n. 6., saltem sub conditione Extremam Unctionem tunc esse illi ministrandam, prout etiam de Sacramento poenitentiae dicemus n. 480. Thus also by interpretative or general will, it is possible to confer the Sacrament of Confirmation to one who is sensibly destitute in his dying state, as Lugo says, D. 9, num. 132. Sporer 1. c. n. 154. Eibel d. p. 17 et Croix lib. 6. p. 1. n. 169. cum 1. 8. n. 55. Et idem dicunt de Sacramentō Eucharistiae Lugo D. 9. n. 126. Sporer loc. cit. et Croix cum etc.; autem Sacramentum Baptismi et Ordinis invalide conferri habet solam intentionem interpretativam, quia sine voluntate explicita nemo debet subire obligationem legum Ecclesiae et statuorum clericarum. Thus commonly Lugo D. 9. n. 119 et 127. . 7. n. 3 et 5. cum 6. p. 1. n. 168. hold that for receiving Baptism suffices the implicit intention contained in contrition, or attrition held by the recipient.

His contradicunt. But rightly Lugo n. 129 says that the first opinion can have a place only in an unbeliever who has always known true faith invincibly. As for the Sacrament of Penance, however, neither the intention nor the interpretative nor the habitual one suffices; but there is required an intention either actual or at least virtual, since there are required for the matter acts of penance which cannot be had without at least a virtual will to receive the Sacrament; and this must be held at least in practice, 25/ LIB. VI. TREATISE. I.

ON THE SACRAMENTS. GENERALLY. CHAP. III. according to what is to be said in II. n. 457. For the reception of the Sacrament of Matrimony, it is certain that an interpretative intention is not sufficient; but they think that sometimes a habitual one suffices, p. 8, n. 36. Croix l. 6. p. 1. n. 174. with Sporer, Dic., Arriag., etc.; and Croix says that a case can occur when Marriage is celebrated through a Proxy; because if here the contracting party consents while the principal sleeps, Marriage will be consummated with the intention of the principal, which can otherwise be called habitual. But Lugo truly understands it, D. 6. n. 139., that in Matrimony there is always required at least a virtual will, because since each spouse is not only the recipient but also the Minister of the Sacrament; certainly in each of them there is required that intention which we said is required of Ministers of other Sacraments, as we stated in n. 16 and 18.

In the aforementioned case of the Procurator, Lugo correctly states n. 139 that that intention is more properly called virtual than habitual, since the Procurator contracts by virtue of the mandate, or by consent given by the principal. ## DUBIUM II. ## What is required so that it be received lawfully and with fruit? 83. What is required in the one who receives the sacrament of the dead, and what in the one who receives the sacrament of the living? — 84. At some time can Viaticum be administered by a

layman, or a priest not fasting celebrate it? — 85. Whether those more disposed may receive a greater fruit? Whether those who do not know that the Host is consecrated shall receive it with profit? — 86. More things are to be noted about the receiver of the Sacrament with a mortal or venial sin. — 87.

Does every Sacrament cause grace, removed [or: apart from] sin? — 88. May one petition for a Sacrament from an excommunicated Minister? — 89. By a minister sinner? 83. — « RESP. For the effect of Baptism and Penance, it is required and sufficient, besides the will to receive the Sacrament, the disposition of faith, hope, and contrition; but charity is not required, so that it may have grace; because these Sacraments are called the Sacraments of the dead, which themselves should give primary grace or life. For the other Sacraments, which are said to be for the living, it is required that one be in grace. But note here that this Proposition is condemned by Alexander.

VIII, namque Propositio 22, quae dicebat: Sacrilegii sunt judicandi, qui jus ad CommunioneMpercipiendam praetendunt, antequam condignam de delictis suis poenitentiam egerint. And Proposition 23. Similarly, they are to be excluded from sacred Communion, those in whom as yet there is no purest love of God and who lack every remission, because these confer not the first but only the second grace, that is, an increase of grace alone; although by chance they may sometimes receive the first grace when one thinks sincerely himself free from mortal sin. Bonac. d. 1. Question 6. Page 2. 84. — This is indeed probable, seeing what is said in number 87 by St. Thomas.

Hence rightly do Gonet, Hanno, and Tourn. (see below note 237) say that a layperson can administer Viaticum to one who is dying, if there be lacking a priest who absolves him; and even a priest can celebrate Mass without fasting in order to administer Viaticum to a dying person deprived of sensible forms, who cannot confess, as Vioa q. 1. art. 5. n. 6. states. But otherwise, if he has received the Sacramental Absolution; see infra n. 286. 88. — « 1. Even though those who are equally disposed receive an equal disposition to the Sacrament, those who are more disposed procure a greater fruit of the Sacrament besides the character; this is because it is fitting that Sacraments be instituted in such a way as to provide greater grace according to the disposition of the recipient; and also because it does not seem right for one who brings about vehement attrition for Baptism or Penance to lack all fruit. He who receives the host knowing it to be consecrated, when he takes it as an instance of another animal without the intention of receiving the Sacrament, indeed receives materially the thing which is the Sacrament, but not sacramentally and with no fruit. (So S. q.

80. art. 3. ad 3. with Lugo, dist. 6. p. 1. n. 178.) » contra de eo, qui sumit Sacramentum ex causa famis, quod videtur intelligendum, si ex ea sola: neque enim videtur Sacerdos fructu Sacramenti privari, etsi sumpturus calicem simul etiam levare sitim intenderet. See Bonaventura, loc. cit., n. 3.

» 86. — Notandum I. For Baptism, an act of supernatural faith and at least virtual hope is required, as all teach in l. 6, p. 1, n. 187. Furthermore, an act of contrition or attrition is required, if the one to be baptized has a grave sin, as is evident from c. 1. Before receiving the Eucharist, confession and absolution from all mortal sins should be required by special precept. Whether, however, for the other Sacraments of the living it is sufficient to precede merely with contrition? It is commonly affirmed with D. 8, sect. 9, n. 190 of Lugo, and others, against Not. II.

It is certainly a grave sin to receive a sacrament with mortal guilt; and it is graver than that of indignantly ministering or confecting, as Croix n. 193. with the Decree and others. Whether, however, in any other case it is permissible to receive the Sacrament with a mortal sin? It seems to deny. D. 66. sect. 1. speaking about the reception of Communion; but more commonly affirmed is 6. p. 1. n. 194. That seems hardly improbable for a very rare case; namely, if the consecrated host were to be profaned by heretics, and others could not so quickly interfere on account of that sudden intrusion; then it seems possible to take it without sin, although without fruit: for then he would not take it as Sacrament, but only hide it in his body, fittingly within a wall, to liberate it from injury, as Lugo says about the Sacrifice. D. 9. n. 8. de Eucharistia.

D. 15. n. 3. Cross. L. 6. P. 2. n. 514. 76 et tr. 13. R. 74. when the Same probably states Lugo, d. D. 9. with with Hurt. Ochag. 256 LIB. VI. TRACT.

I. ON THE SACRAMENTS. IN GENUS. CHAP. III. Diana et 87. — It is asked I. Whether sacraments, received validly but with a fictitious intention, when the obstacle is removed, will refuse?

By the name of fiction here is not understood that which makes the Sacrament null, such as a defect of intention, but that with which the Sacrament is validly received, namely when one accedes to the Sacrament without the required disposition. Concerning the Sacrament of Baptism (excepting Scotus and a few others), all commonly affirm this with p. 99, q. 6. Concerning the tome, page, and note indicated: volume 8, page 185, number 11. Lugo concerning the Sacrament. D. 9. from no. 22. vol. 7. p. 193. Conclusion 1 and others from p. q. 69, art. 10, where speaking about

the grace of Baptism he says: "Nevertheless, it will sometimes be impeded by fiction;" hence it is necessary that, upon removing this through penance, Baptism immediately achieve its effect.

» And first on this S. Aug. taught in book 1 where he said: « In that (person) who had access (to Baptism) fictitiously, then it will begin to be valid when that fiction withdraws with a true confession. » The reason is that sin before Baptism, or even in the very completion of Baptism itself, does not fall under the keys of the Church; hence it must be remitted solely by the virtue of Baptism, which, with the obstacle removed, has its effect previously suspended on account of fiction. But for obtaining this effect, contrition is required in the one who receives? They deny. p. D. 28. sect. 5. concl. 1. and when it is said to be stated n. 130. The same is said about Baptism as is said about the Sacrament of Penance (in the case where Confession would be valid and informal, see note 441). Thus Lugo says. D. 9. ex n. 100. . 53. (contra Petr. pag. 112) ex S. Th. in IV.

D. 17. q. 3. art. 4. q. 1. qui loquens de Pœnentia, qui fecerit Confessionem validam sed informem, dicit: « Quamvis » tunc non percipiat fructum absolutionis, tamen recedente fictione percipere incipiet; congruent etiam est de aliis Sacramentis. "Reason (as Lugo says) is that if this subsequently is crushed, then sin is remitted to him, and it is remitted indeed, without that which directly subjects it to those keys." They say the same in D. 63. s. 8. Cross n. 199. with Palud. de n. 67. (contra Sotus, Hurter. Rosco and others, in their treatise on the character of sacraments, particularly regarding Confirmation and Orders; since these sacraments cannot be repeated, it seems consonant with divine goodness that those who receive them not be left destitute of sacramental grace, which is so beneficial in confirmed ones for resisting temptations, and in ordained ones for fulfilling clerical duties; and he says on page 115 that this opinion has a most solid foundation. They also say Escob. l. 8. num. 182.

Croix n. 202. c. cum cum quia (ut aiunt) etiam congruum videtur, quòd, cùm Extrema Unctio non possit de suscipiente sacramentum. DUB. II. 257 to repeat in the same article of death, nor may faithful ones lack the grace of the sacrament with the marriage still alive in the same spouse during the interim. Recte autem Lug. n. 1 0 8. Crossn. 200. cum. Fill. etc., communiter; contra alios, negans de Eucharistia quæ ex suae institutionis frequenti potest iterari: idcirco non fuit opus tribuere efficaciam tali Sacramento, ut subveniat fragilitati hominum.

The objection in this sacrament is that it would be absurd if the priest, having many times tasted the sweetness of the sacred mystery in celebration, and having confessed his sins with contrite heart in death,

should receive all the heap of graces together with all sacrileges and communions of crimes; but rather if he has often celebrated unworthily, there is more reason to say that he would be enriched with grace. It is however held by Croix n. 2 0 0, with Scotus, Palaeo, etc., that whoever communicates and removes the obicem before the species of the Eucharist are consumed, will not care for the grace of the Sacrament. Et siquidem suscipiens Sacramentum cum venali habituali, vel ac tuali, peccet? It is asked II. Is it licit to petition the Sacraments from an unworthy minister? Here I distinguish whether between the minister who is unworthy and subject to some censure, or one who is incapacitated and unworthy by mortal sin.

Resp. I. Hic distinguo requiritur inter ministerium indignum qualemcensuram vel inabilitatem et indignitatem ob peccatum mortale. He who is deemed unworthy of censure and not tolerated, namely excommunicated to be avoided, or publicly and by name suspended, and irregular in sentence (see Croix lib. 6. p. 1. n. 2 1 0.), certainly it is not lawful to receive the Sacraments except in extreme or gravest necessity: otherwise they say that it would be licit to receive Baptism and Penance - ut. p. Dist. sect. 1. n. 6. Con. Tourn. t r. 4. p. 37. AntoinedeSacr. c. 2. qu. 13.

Bonac. de Excommunicatione. Dub. 2. q. 1. p. 1. §. 3. Croixl. 6. p. 1. n. 2 0 9 et c. 8. n. 1 8. cum Sayr. Garner. Corn. etc. ex D. Aug. I. 1. de Bapt. cap. 1.

They speak probingly about the Sacrament of the Eucharist in no. 2 of chapter 2, note 4, canon 1, section 7. Bon. l. c. VioadeSacr. q. 1. a. 8. n. 1 0. cum Sot. et. 2 2. cum Cornileo, Nunn. (contra Sayr. And may Tournay have it on page 37. excap. What is it. On Penitence and Remission where Innocence is. Although it denies Extreme Unction to the dying during a time of general interdict, it nevertheless does not deny contrition or the Viaticum.

They have the same opinion regarding the Sacrament of Extreme Unction Escob. Henry and Dic. ad pag. Croix d. n. 2 0 9. eo quod tali Sacramentum potest per accidens gratiam causare; sed melius id non admitunt. l l. c c. Elbdtom. 3. p. 6 9. n. 6 7. item Conc. FII. Avila, and Cornelian, whether even when infirm one cannot by accident receive that Sacrament. They likewise stated: c. Corn. ad Paulum 40: it would have been licit to receive the Sacred Order from a bishop excommunicated, when in some province there should be absent all others outside of exile, and such an Ordained person should abound for the good of the community. They also say in the Decrees of the Sacrament of Matrimony, in the case where it would be

necessary either for the spiritual welfare of a dying person or for great temporal advantage to the children, or where any other good might not be had from the Minister.

An autem excommunícatus vitándus validè minístrét Sacraméntum péniténctiæ in a 5 3 L B. VI. TRACT. I. DISACRAMENTUM ENGENDERING.

CHAPTER III by extreme necessity? This is to be negated: apparently evident. 5 6 0. Resp. I I. SiveròMinistersitexconnumincatus, velsuspensustoleratus, quæstioestinterDD.anliceatabeopetereSacramentasinegravicausa? Negate the allegations, but seriously affirm them; because Conc

The Constantine Council absolutely conceded communion with those tolerated; See the decree of the Council, n. 5 5, and the statement of the Censor, n. 1 3 0. 8 0. — Resp. III. Now if a minister is unworthy on account of sin - whether mortal, D. T h. 3. p. q. 6 4. art. 6. a d 2., it seems to distinctly concede permission for the Sacraments to be received by a sinner hidden in sin, saying: "While (the minister) is tolerated in the ministry by the Church, he who receives the Sacrament does not communicate its effect to him." The same is held to be incapable. Your. 7. de Cohabit. The cleric etc. is cited: "Unless there be doubt and take heed that concerning clerics and presbyters although they may be formicarii so long as they are tolerated, neither by reason of per se evidentia (that is, according to the Glossa when themselves are not condemned or confessed in injury), divine mysteries may they hear and other sacraments of the church may they receive."

This phrase must be understood as both valid and excusable, so that there may not be a contravention of the Church’s prohibition; however, receiving the Sacrament from a sinner always requires a rational cause, according to the aforementioned law, chapter 2, number 4 et seq. 49. Certainly. Truly also the same D. Thomas in IV. D. 2, q. 4, art. 3, q. 5 ad 3: "praeter" articulum necessitatis non esset tum ut de quod (scilicet passionem) induceret aliquid sui ordinis exequendum, dum talis scientia, quod illi peccatum mortale esset.

"The notion of necessity is rightly explained in place." Turn. t. 4. p. 3 9. The remainder is understood to mean moral necessity; and the probability suffices to excuse even a grave matter of utility, as commonly taught. D. 1 8. sect. I. . book 7. Decretum 9, num. 8.

Par. t. 3. t. r. 1 8. D. 7. p. 1 5. n u. 3. Voa. qu. 1. art. 7. nu. 10. Crossl. 6. p.

1. n. 211. Mazzotti. t. 3. pag. 68. Tolet. l. 1. c. 8 n. 8.

Filius. tr. 1. cap. 8. qu. 6. Escobar. l. 8. n. 3 1 2. Anacl. page 533, nu. 56, 2, p. 10, n. 84, 3, p. 18, n. 63, citing Scot. in 4. D. 5. q u. 2. § Quantum. . 3. p. 27. n. 179. Good. D. 1. q. 6. p. 5. n. 1. cum Con.

Good. King. Henry and Sulpitius of the Sacraments, chapter 8, note 3-4, when they said with and for the common good. They extend licitly to receive the Sacraments from a minister who is a sinner. I. Henr. et Sulm. de Sacr. c. 8. n. 3 4. cum et communis, ut asserunt. Let there arise a precept of Confession, or of Communion, as they say. c. Concil. t. 8. p. 105. n. 9 et Escob. lib. 8. n. 316. cum Vascq. etc. I I.

If there be danger of death by an imminent peril, Tourn. tom. 4. pag. 38. III. Side by side simple repræceptum Missæ audiendæ, c. cum Conc. et Sofo apud Escob. n. 314. (Vide dicta lib. 3. num. 33.) IV. If the alias diu should be retained in mortal, and neither to another adire Confessarium; thus Tourn. l. c. Sed melius. c. et Antoine de Sacr. c. 2. q. 1 3. R. 2. excusant ab omni culpa peccati, qui est in mortali, si nolit neque ad horam expectare, quiano mestita utilitas quam primum a peccato liberari. V.

Thou shalt be redressed (at least for a time) by Communion, as stated in no. 319. And the same [authority] says. Nam etiam sufficit causa non habendi fructus aliud Sacramentum? He denies Croix n. 211. But they affirm. VI.

If you are unable to gain profit from the Jubilee, and if you need a skilled director and do not have another, Tourn. ibid. Now (addit Sporer t. 3. pag. 27. n. 179.) you should long expect another. VIII. If you wish to apply the Mass for a deceased friend, as Sporer loc. cit. Cajetanus autem dicit in III parte quaestio 64 articulus 6 ad 2, absolvere licitum esse petere Sacramentum a proprio Parocho sine aliqua gravi causa; sed verius hoc negant Concilium pag. 103 n. 7 et cum si facile possis alium adire. Thus also say the Council and Antoine. ll. cc., that it is not licit to petition Sacraments from a Heretic or Schismatic except in cases of extreme necessity or of gravest need.

But concerning the Heretic, see no. 560. Sed an sit mortale sine gravi causa petere Sacramentum ab indigno ministro parato? They deny it, in chapter 8, note 42. But rightly affirming, they say according to what was said in book two [of Thomas Aquinas], that I should receive him who would take the Eucharist from an unworthy priest, who ministered it actually to others: as they say, chapter by chapter and according to the

quoted sentence number thirty-five. Herein precisely lies the point: to minister the Eucharist to many is one single sin. Thus I likewise hold it unlawful to serve an unworthy Priest without a grave cause; against canon no. 41 and others who allow this, when the Priest can easily find another one.

It is certain that any minister is presumed worthy, unless the contrary be established, as commonly taught on page 103, note 4. Tourn. tom. 4. p. 36. v. Not. I. from that Apocalypse 1. Cor. 13. Charitas non cogitat malum; Eibel eadem pagina 18. n. 62 et Croix liber sextus pag. 1. n. 216. cum Aolia, Dic. et aliis communiter.

Hence it is reasonably inferred that a Sacrament may be sought even by him who is known to have sinned somewhat recently, because he himself must be presumed already to have prepared himself at least through contrition: thus 18th section 1st part, at the end, Bonac. punct. 6 n. 6. Croix note 216. Maxott. p. 69. cum Sporer, n. 40. cum v. Not. I say: "But that I may know a recent and grievous sin to be from him; for now I will reasonably suppose him to be virtuous, if he especially offers the Sacraments spontaneously, having done what he should have done in order to be reconciled to God; Certainly it is said (S. Th. in IV. dist. 24, q. 1, art. 3, q. 5, ad 3), because through immediate human effort one is amended by divine grace." However, this is rightly limited by the common opinion of 1. cc. with Reg. and others, if it be established that the minister is accustomed to be such, or be in a proximate occasion of sinning (understood as voluntary). It is also limited 2. if the minister does not precede Confession with Repentance before the celebration of Mass. ## CHAPTER IV. ## What are Sacramentals and what they effect. 90. What are the Sacramentals and what do they signify? — 91.

Do Sacramentals have efficacy from the work itself performed? — 92. How are sins remitted through Sacramentals? — 93. Multiple things are to be noted. — 94. On the use of the Lamb of God, blessed water, and similar things. 90. — « Resp. 1. Ceremonialia ecclesiastica, quae vulgariter dicuntur Sacramentalia, sunt actus externi religionis, ad colendum Deum accommodati. These are commonly called prayers: the Lord's Prayer, blessed water, eucharist once in use, general confession, almsgiving, blessing from a consecrated Bishop or Abbot, which according to ancient tradition is said to remit venial sins; they are contained in this verse: praying, anointed, eating, confessing, giving, blessing. To these also are referred the unction on the breast, oil for the King and similar things; likewise many other ceremonies, as well as sacred things themselves, which in the Church have been partly handed down by the Apostles, partly instituted later, such as exorcisms, insufflations, first tonsure, blessings,

and consecrations of various things and persons, such as churches, chalices, etc., even herbs, lights, wine of John, tapers of lambs, sign of the Holy Cross.

Therefore it is asked, what force they have: whether from the work of the worker, since it is certain as through other pious works, even so this one also to merit us, or from the work wrought? 91. — Resp. 2. They do not have the power to obtain grace by their own work, or to remit sins by their own authority and per se, but only insofar as they excite a pious movement within us. The reason for the former is, firstly, because nowhere is a promise of grace or remission of sins made to them; secondly, because even venial sin is not remitted without the infusion of grace, which has no power per se to confer it. The reason for this is that it is accommodated to the institution of the Sacraments and consecration, which takes place through the prayers of the Church, by which itself it prompts in us such motions. Art. 3. Therefore, it is asked how venial sins are remitted through the Sacramentals? The first sentiment with Sot.

Val. 6. p. 1. n. 221. says, Sacramentalia have the power to remit venial sins ex opere operato by reason of their institution by the Church; because Sacramentalia always remit venial sins, even though they do not always excite a pious movement in us. Nevertheless, the second opinion is more common and truer, in accordance with Tourn. tome 4. page 266. Wigandt. tr. 13. Exam. 2. n. 25. St. Thomas Lug.

Suar Bus. Cross l. c. Via de Sacr. Q. 1. A. 8. n. 7 and following holds that according to Sacramentalia venial sins are not remitted ex opere operato, but only because through them a pious movement of sorrow or charity is excited in us, by which venial sins are remitted. The same is explicitly taught in the preamble to question 87, article 3, ad 1, where it is said: "All these things cause the remission of sins," implicitly or explicitly, both venial and mortal. Hence a consultation is made for all faithful persons after the reception of blessed water, etc., that they may be excited to an act of sorrow, or of love. 93. — « 1.

Gratiae prævenientes et pii motus conferuntur per Sacramentalia, per modum impetrationis, quae non omnino habent infallibilem effectum. He gravely sins who substitutes false matter in the Sacramentals, as when urine is used instead of lustral water. Sacramentalia, quandoque operantur beneficia corporalia, v.g. sanitatem, per modum impetrationis, ratione precum Ecclesiae. But some [things] also have the power (e.g., to drive away a demon) through the mode of an accomplished work, by reason of a special privilege, teach Henry in lib. 1, cap. 2. Sotus, and others. Because, they say, even the Gentiles are said to have been sometimes liberated from

a demon by means of the sign of the cross (which some also think refers to the name JESU), although neither their prayers nor the merit of those who performed works had interceded on their behalf: but others attribute this virtue to its objective power, as natural, about which more can be found at 10.

Section 1. 94. — Among the Sacramentals are enumerated the Lamb of God made of wax blessed by the Pope: on these note that it is the first. It is forbidden to have them consecrated or painted under excommunication, as in 6. p. 1. n. 225. Note 2. To sell them more dearly because they are blessed is injustice and simony. However, it is lawful to sell them according to their matter, as rightly they say with common use; against Quamvis, however, it is nevertheless probable that there should be no sin, according to the usage of our times, as they say, to cast blessed bones of lambs or eggs, which are blessed, is considered by Gretserus to be illicit; but negating this, Cajetan and others also hold that it is congruent for blessed water and candles to be used for profane purposes.

Missals and sacred Bibles, as well as sacred images, ought not to be used for a profane purpose; but otherwise it should be said concerning other writings where the names of the sacred are incidentally and accessory written. Ita cum Gob. TRACTATUS SECUNDUS. ON BAPTISM AND Confirmation. HEAD I. On Baptism. 08.

How is Baptism distinguished? — 96. On Baptism Flaminis. — 97. Of Blood Baptism. — 98. An, ut remittat Martyrium culpam, requiratur in peccatore contritio, vel charitas? — 99. When does Martyrium confer grace? — 100. Are there martyrs who die in obedience to those infected with pestilence? — 101.

Is it permissible to offer oneself to martyrdom? Or to expose oneself as a Catholic through abstinence from flesh. 98. — This does not concern Baptism by blood, that is, martyrdom; nor by flame or spirit, that is, contrition with a vow of Baptism or desire, because they are not Sacraments; but concerning Baptism by water, which is defined as: Exterior washing of the body, performed in prescribed form of words. "Thus, Baptism is distinguished from the Greek word which signifies ablution or immersion in water as Baptism of a river, font, and blood. 99. — Below we shall speak of Baptism of a river, which was very probable according to St. Thomas 3. p. q. 66. art. 2. n. 25., etc., instituted before the Passion of Christ our Lord, at the time when Christ was baptized by John." Baptismus autem flaminis est perfecta conversio ad Deum per contritionem vel amorem Dei super omnia cum voto explicito vel implicito veri Baptismi fluminis cujus vicem supplet juxta c. 4 quoad culpa remissionem non

autem quoad characterem impri-mendum nec quoad tollendum omnem reatum poena dicitur flaminis quia fit per impulsum Spiritûs sancti qui flamen nun-cupatur. Thus in Croix l. 6. p. 1. n. 244 and elsewhere. By faith, however, men are also saved through baptism with fire, according to the canon of the Apostolic decree.

D. sessio 6. capitulum 4. Where it is said that no one can be saved without the washing of regeneration or its vow. See question 67. — However, baptism with blood is the effusion of blood, or the toleration of death for faith, or for some other Christian virtue, as St. Thomas teaches in II. 2. qu. 124. art. 5. c. n. 2. Cross l. 6. p. 1. n. 232. cum Avers. Gob. etc. But this Baptism is truly equated with Baptism, because it remits guilt and punishment as if by the very act of Baptism: quasi, because Martyrdom does not strictly operate congruently with the Sacraments in this manner, but rather through some privilege on account of the imitation of Christ's Passion, as Bell. etc. say according to Croix n. 238 and elsewhere in Petro t. 3 c. 2 q. 3. Therefore, martyrdom is also profitable for infants, since the Church SS.

Innocentes prout veros Martyres colit. Hence it well teaches the opposite at least rash. In adultis autem requiritur acceptatio Martyrii, saltem habitualiter ex motivo supernaturali, Conin. Cajet. contra. 5. qui nullam requirit acceptationem. It is evident that martyrdom is not a Sacrament, because martyrdom was not an action instituted by Christ; and therefore neither was the Baptism of John a Sacrament, which did not sanctify man but merely prepared him for the advent of Christ. c. num. 3. 98. — Here the inquiry begins I. Whether, so that martyrdom may remit guilt and punishment, is required in the sinner either contrition or love of God above all things, or whether sufficiency is provided by attrition?

It is certain that for the remission of guilt some penance is required, according to c. 1. To the sought-after question responded was Wiganid tr. 11. Example 5, note 73, page 151, note 10, question 2, article 1, number 4, with Bell. Cajetan. p. 1. n. 238 et 239. attritione sufficit ad Martyrium, congruentia sufficit ad Baptismum; hoc enim privilegium dicunt obtinere ex privilegio, ut diximus, ob imitationem Passionis Christi. However, it is more probable that contrition or love of God above all things be required, as they teach, etc., ap. Croix et Petroc., tom. 3, p. 134, q. 3, ex S. Th., 3, p., q. 66, art. 12, ad 2: effusio sanguinis non habet rationem Baptismi, si sit sine caritate.

And it is confirmed from the Apostle 1. Cor. 13. v. 3. If I shall deliver my body to be burned, but have no charity, nothing profits me. Neither does it import to undergo martyrdom, except that one always have perfect

charity; for someone might wish rather to die than to commit a new sin through fear of Hell. However, even their adversaries acknowledge that it is always necessary for the sinner to endeavor before martyrdom towards contrition or confession, so as not to expose himself to the danger of damnation. 99. — Quæritur II. When martyrdom confers grace, whether in the moment of death or in the moment of lethal injury.

It is probable according to ar. 1. n. 6. that grace be conferred when the martyr receives a mortal wound or torture, even though later he miraculously does not die; and thus truly B was a martyr. John immersed in a vessel of boiling oil, and Queen of Martyrs B. Virginis Mariae, stantis juxta crucem Iesu. Reason, because then death itself is already in the cause. 100. — Not. I. Concerning those who die out of charity in obedience to pestilent persons, the Martyrology speaks.

Rom. 28. see Croix l. 6. p. 1. n. 236. 1 6 1. VI. TRACT. I I. DEBAPT. AND CONFIRM.

CHAPTER I 1 0 1. — Not. I I. It is illicit without divine instinct, or without peril of scandal, rashly to intrude into a martyrdom, as those who teach commonly say. The. Bachelor. ... etc. with Cross n. 2 4 1. Then there would have come some temptation from God; then man would be the lord of his own life

He has seen the decree. I. l. 3. n. 3 2. Hence he says. 3. t r. 3. p. 3. c. 1. n. 6. etGobatusap. Croixl. c. quod peccaret, quid eveneris, àc armibus abstinentio, manisfestaret secatholicum cumpericulovitæ; quiaeocasucessat præceptumecclesiasticum abstinendiàcarmibus, eturgetpræceptumnatu - rale, quod est potiusservandipropriamvitam. ## DUBIUM I. ## Quid sit materia baptismi. 1 0 2. What is the matter removed by Baptism? See Resp. a p. Bus. —. 1 0 3.

I. Whether the material principle has a certain valid force? I I. What are certain invalids? III. What are doubts?

Whether unnecessary delight be licit according to your opinion even unto death—nor probable? — 1 0 4. Doubt. I. Is the matter suitable for treatment by means of chemical ducts? Dub. a. Saliva, sweat, or tears. Dub. 3.

Anaquefluent sex vire? Dub. 4. Annixnon, soluta? — 1 0 5. Question concerning the matter prior to Baptism? See Res. apud Bus. — 1 0 6. Seek.

I. Is one who has been baptized immersed in a river if a child is thrown into it? What shall one baptize when the flowing stream overflows? Is it permissible to cast a child into a stream out of necessity, that he may be baptized? But is it permissible to baptize without water? — 1 0 7. Question.

I I. Whether an infant in the womb can be baptized in utero? What shall be baptized a pregnant woman — even if delivered from the womb? Question NoneIII. Is baptism valid if it merely touches garments or hair?

Who. IV. Let the Baptism conferred on the shoulders or on the breast be valid? Question. V. Let it be inquired - the turturine ablution.

Seek. VI. May one baptism or even a drop of water suffice for baptism? — « RESP. I would consider this matter to be one that has been consecrated, so if it can have a potential; every baptism is valid, even though the elementary water, which is the natural and usual estimation of moral men, such as that of a well, sea, marsh, rain, and also resolved from snow, hail, ice, although accidentally regarding temperature, taste, and smell, may be altered, like sulfurous water, leachate, weak decoction of flesh, or water mixed with another body in moderation, so that the common estimation of its use remains intact. The reason for the pontifical oath is, from John 3. None hath been born of water and the Spirit.

» As much as. The confirmation of triplex congruence. I. It is maximum "commodity of water." 2. His most facile usage. 3. Aptitude to sign - » effect of designation, which is the remission of sin from guilt.

Whereupon the resolution arises: 1. Inept material for Baptism is spittle, vomit, tears, sweat, beer, as well as anything nearly mixed with them, so that it may not be more apt for ablution; nor should it be called water; e.g., mud, broth, wine must - and even artificial waters from roses, herbs, and juices. Expressed; finally, snow, hail, and unmelten ice. The reason is, » because according to the moral estimation of men natural and usual water are not reckoned. » Because concerning certain matters there is doubt both from what has been said and from other things, for example regarding the juice of a very thin herb or beer, and the leaching (and according to Gran. in 3rd part, chapter 4, treatise 1, decision 3, question 2, aqua rosacea); hence it is permissible to use them in necessity, and if afterwards Baptism be under condition, it should be repeated. See Escobar, caput capitis 3.

To use impure water, or water that has not been consecrated, when other

[water] can be had, is a grave sin on account of the irreverence towards the Sacrament. Good. » L. I. c. 1. n. 7 and 8. t. 6. R. 33. and five others. It is permissible that "Grand" and "Quintanad." consider it not to be mortal, as said improperly. (In general speaking, the omission of blessed water is considered mortal, as Tournai says in volume 4, page 288, question 2, with Cabrera and 14, and Croix says in n. 263 from In Baptismo privato; but Tournai in the same place asserts that baptism, which still needs to be conferred at home, should be cared for so that it becomes blessed water or lustral water for greater decency.) 103. — It is certain and of faith that the remote matter of baptism is nothing other than material water, or elemental water, as is evident from the Council of Trent and from 7.

Can. 2. ex illa sententia Joannis 3. Y. 5. « Nisi quis renatus fuerit ex aqua et Spiritu sancto, non potest introire in regnum Dei. » Hence it is to be seen what water is a valid material, and which invalid and which doubtful? I. « Nisi quis renatus fuerit ex aqua, et Spiritu sancto, non potest introire in regnum Dei. » Material certainly valid is I. Water from fountains, wells, seas, rivers, lakes, ponds, cisterns, and rainwater, as well as any other simple and pure water that retains its own species of water, whether it be cold or warm, is thus held according to the Roman Ritual of Gregory XIII. (as stated on page 125, note 2.)

It is resolved water from snow, ice, or hail, as commonly taught 4. p. 287. c. 1. n. 95. p. 25. n. 8. Cross 1. 6. p. 1. n. 262 and all others similarly. 3. Sulphuric water or material water, as teaches St. [author name] article 4 to number 4. Antonin and others commonly. 4 Water draining from a wall in times of rain, with leaves, etc., according to Gob. and . Turbid water mixed with another thing, provided that the water remains the predominant matter, S. 6. Rose, et aqua collecta ex vaporibus densatis, putatur in operculo ollæ, ut Croix 1. 5. part. 1. n. 22.

Diana page 3, treatise 4. R. 5. etc., et adhaeret Concilium tomum 8. paginam 127. numerum 9. II. The material certainly is invalid i. Blood, milk, wine, urine, spittle, as Gonet, Man. tom. 6. c. 3. 2. Juice expressed from flowers, herbs, and roots, as St. Thomas says at loc. cit. ad 5.

However, the text of Stephanus 266 LIB. VI. TRACT. Two. ON BAPTISM. AND TRUSTWORTHY.

CHAP. I. par. Gonet p. 88, ubi videtur Pontifex approbasse Baptismum collatum in vino suppositum esse; probant ipse Gonet cum Juvenin et Petrocorens, tom. 3, pag. 154, cum P. Nicolai. III. The matter, however, is doubtful i. Law and leavening; for although article 4 of question 66 says

that this matter is fitting for Baptism, provided it does not contain more of alien substance than of water, indeed it adds that if from such thickened liquid a fine water be expressed, Baptism can well be made in it, both congruent and in the water which is expressed from clay; and let them follow the holy Doctor in part 3 of the Council: for although . Syllogism.

Ang. omnino negent hanc esse materiam aptam; tamen Tourn. cum Bonacina et et communi, ut asserunt, dicunt esse materiam dubiam. 3. Ale tenue, ut ait Antoine q. 1. et Sporer de et idem ait de tenui atramento Croix n. 261. cum Gobat. Steph. et num. 12. cum Lugo. Et hoc procedit non solum quando est tantum probabilis opinio pro valore Sacramenti, sed etiam quando est tenuiter probabilis, ut recte dicunt Antoine n. 2. . Ratio. Croix lib. 6. part. 1. n. 110. et p. 2. n. 1162. ac Ratio quia conditio sub qua Sacramentum ministratur, sat reparat Sacramenti injuriam; et contra, necessitas sat justa est causa, Sacramentum eo casu sic conditionate ministrandi. And when the Minister is able to administer the Sacrament of Baptism or Penance sincerely, he is bound indeed under a grave precept of charity; as rightly say Antoine, c. cum 104. — Subdubitatur i. An aqua per artem chimicam educta ex floribus, plantis, aut radicibus sit materia valida ad Baptismum, vel saltem dubia?

The first opinion entirely denies this, and this is held by 6c. 3n. 6 and others with p. q. 66 art. 4 ad 5. Because artificial water can never be called natural. The second opinion, which . 25. n. 10. n. 95. with Vericel according to Renzi in the first book on Sacraments considers this to be a probable valid material, and therefore absolutely to be employed in cases of extreme necessity. Reason, because, as the Philosophers believe, in mixtures where formally remain elements, of which each one can be resolved by chemical virtue into its own species, so that the matter thus resolved is true water, as it seems sufficiently to be proven in c. In some place, de Caelo. Miss. where the Pontiff speaking about the water which flowed from the side of Christ asserts that it is truly water, because he says: "Whether it was created by divine virtue, or resolved from its components in part"; since naturally (note) an element can be resolved into its species. You will say: Therefore, in this manner wine and oil could also have been material for Baptism, since there is also a part of water in wine and oil.

I respond that for this reason these are not the matter of Baptism, because an alien substance surpasses the water; but it could well be, if by art the water were elicited from the wine or oil. Neither does the opposite reason 说服我，为什么学习古典文学是有价值的？ But rightly do they say Sylva. v. Bapt. et Renzi l.c. q. 5., aquam distillatam esse veram aquam naturalem, cum sit ejusdem specii; unde aquae distillatae cum rosis aut aliis floribus

similibus, cum materia praedominans sit aqua, videtur non dubitandum esse materiam validam (quamvis non licitam) ad Baptismum, ex qu. 6b. art. 4. ad 2., docet aptam esse materiam aquam mixtam cum alia re, quae sit minoris quantitatis. See the aforementioned statement in no. 103 below at item 5. Dubium 2.

Whether spittle is a fitting material, or at least doubtful for Baptism? They affirm, n. 2 and the Council among those; and it is evident from the last chapter on Baptism in which Innocence states. III speaking about those baptized with saliva responded: There should be no doubt that they have not received Baptism, but it is doubtful whether they have received Baptism. And the same should be said about sweat with 26 and common, from chapter In quadra, of Celsus. Omission where it is said: When in the Sacrament of Baptism we are not regenerated by phlegm, but by water. And similarly Filluc correctly teaches together with others commonly on tears for the same reason, accepting the name of phlegm both for sweat and for tears.

Dub. 3. Whether the flowing water from a vine or from other trees is matter for Baptism? They absolutely deny it, p. 127, n. 8, when he asserts in common, because that liquid is the juice of the tree, not water. But rather Dubs 4. Is ice or snow an un溶解了 They equally deny with Croix n. 2b2 and Tannero; but Acersa hesitates.

Croix and therefore say that it can be employed in necessity under a condition. 108. — "Resp. 2. The next matter concerning Baptism is the ablution: which is validly performed in three ways, namely immersion, sprinkling, and pouring, according to the practice of diverse Churches, so that it be esteemed as having been properly washed; yet the head must be considered white from precept, which is the practice of the Church. The reason is, because any one of these modes can be made an ablution. And indeed the necessity of triple immersion is confirmed by the Council of Toledo. Wherever, however, trine immersion or infusion is customary, it cannot be omitted without grave sin outside necessity, as St. Thomas teaches. Even though others, secluded from scandal and contempt, say that it is merely venial. . c. n. 4.

Whereupon it is resolved: 1. He is not truly baptized who has no part of the baptism immediately touched, e.g., an infant in the womb, or a cista; or an adult whose clothes alone have been sprinkled. cc. 2. It is not necessary for validity that he who is baptized emerge from the water: (for instance, if one were immersed in a river): yet this is nevertheless a grave sin; let it be so, however, provided that one would have died had he not been baptized. n. 5. even to the extent that the mother, though she is

dying, » opens up a case of death, so that the infant may be baptized. . 5. tom. 2. » c. 3. n. 2. ubi unicum casum excipit, si nimirum mater sit morte digna, et si supplicium differatur, infans certè sit moriturus ante nativitatem. But rightly adds ex.

See loc. cit. « 3. It is invalid. I. If anyone is carried into the water, whether by another person or pushed forth, and yet still proclaims the form. II. Si quis labatur in aquam, vel ab alio protrudatur, et tamen formam pronuntiet. If he who proclaims the form holds the boy, and another washes him or pours out the water.

III. If the water is a spring welling up or a dripping stream, he who is to be baptized shall submit himself to it. The reason is, because in these it is not you but another who has washed. On account of a probable opinion concerning either side, the baptism is doubtful; hence, if it has been given out of necessity, it should be repeated under condition. If only one or a single drop has been used, for instance if the multitude of lustral water has merely been sprinkled: which is not permitted without necessity, since it does not seem to suffice for ablution any mere contact with water, but rather a successive application with some motion is required. Bon. l. c. n. 13. ex d. 3. sect. 4.

Granadus in third part, question four, treatise one, chapter four, note twelve. II. If only the part is cleansed » less than the principal part, for example, a finger, hand, or foot; for if the principal part, for example, scapula or chest, no one doubts. III. If only the hair is dyed, it is permitted according to law 1. » d. i. he contends that this is strong.

IV. If an infant has been marked with the sign » wrapped in its own amnion, that is to say, covered with the membrane of the body annated, » yet nevertheless in necessity Baptism should be conferred under condition. 1. diff. 12. See c. 5. When the effusion or immersion is usurped for the name of the Father, and of the Son, and of the Holy Ghost, according to the practice of the Church, it must be guarded against that the form be not pronounced thrice, but only once solely. Which is rightly thus expressed, that before the third ablution it may not be completed; because the form, with any first ablution, constitutes Baptism. Reg. lib. 27. cap. 3. . 5. tom. 1. c. 3.

108. — Question NoneI. Is the baptism valid if someone casts an infant into a well or river and pronounces the form? The first opinion denies this, and this is held by Scotus in the fourth [work]. Distinction 4, Question 3, those who follow Master Mastro, Frassen and others among the Scotists

commonly hold, likewise page 3oo and Soto, Sylvester: because contact with water should be by the Minister; but this ablution would not be from the Minister, but from the matter of the body projected into the water. The second opinion affirms, and this is held by [the authors cited] in section 3, chapter 20, note 3, page 135, note 11, with Gonet, Val., c. 2, n. 25.

Reason, because there already converge at that point all that is required, namely, matter, form, and the intention of the Minister. Both are probable, and since such a question is hardly reducible to practice, I deem it superfluous to dwell upon it. Indeed they observe correctly; it is certain according to Tourn. 1. c. and commonly held that Baptism received with poisoned water, or with boiling water, whereby the infant would be killed, is valid; because this would already be considered a usual ablution: but whether the water is poisoned, boiling, or cold, happens by chance. Thus likewise valid is Baptism if anyone immerse a child in water flowing from a roof and impart the form, as rightly they say, n. 4. Thus says Tourn., if the addition of water to the body of the one being baptized were made by another person, because then the form "I baptize you," which requires that the baptism be performed by the baptizer, would not be fulfilled. It must undoubtedly be held with the Council 1. c. Antoine p. 470. art. 4. n. 35. with the Third General Council.

R. 14.), never is it permissible to cast an infant into a river for the purpose of baptizing it, even though it is about to die without Baptism; because never is it permissible directly to kill any innocent person; from that of Exodus 23. You shall not kill the innocent and the righteous. And for the same reason it is not permissible to cut open the womb of a mother who will die shortly, so that her child may receive baptism; as commonly they say on p. 136 n. 13, and according to Con. (contra Comitō.) from p. q. 68 art. 11 ad 3, it is expressly taught: "A man should not kill" the mother so that she may baptize the child; but if the mother has died, while her offspring still lives in the womb, then the womb should be opened so that the child may be baptized. » Nor is it valid to say that the spiritual life of the infant should be preferred to the temporal life of the mother; for this would mean that each one ought indeed to bear death, but neither that he ought nor that he can bring death upon himself or kill another for the salvation of his neighbor. Hic autem bene advertit Croix n. 294., quod mortua matre statim est apendi os ejus ne infans suffocetur. Upon-in him puts attention Page 281.

Collection 3 and Croix book 6, page 1, note 293. According to the judgment of the Physicians, it is possible for the mother to be incised and the infant to be baptized without the death of the mother: in this case they say that it can lawfully be made an incision and the mother endure it if

she is robust and a skilled Surgeon; and in this case the Doctors say that it can lawfully be done by the Surgeon to make the incision and for the mother to endure it, even though (as Tournai says) there is danger of her death. But this must certainly be distinguished: for with regard to the surgeon, I say that he can then cut the mother if the danger of her death is remote; otherwise, if it is near or probable: for it would be illicit to kill the mother so that the child may be baptized, as we have seen in common cases: and I do not see how this danger can be avoided in such a serious incision; let the experts consider this. With regard to the mother herself, whether she is bound to endure the incision? I say that if the danger of her death be probable, she is neither bound to undergo the incision herself, nor can she positively consent thereto; she could only and would be bound to endure it, were the Surgeon to perform it without her consent (she entirely negating), and there should be a probable hope that the child might be baptized and the mother's death not certain; for in doubt concerning both sides, she is held to prefer her spiritual life to her temporal life of herself. But if her own death be certain and the salvation of the child doubtful, namely, if the child is not certainly to be baptized, then she is not bound to certainly lose her life. It is indeed very probable that which the article 11 and Renzi question 6 say; namely, that if a pregnant woman has been condemned to death by sentence, even Praepositus says that she should not undergo incision, unless there be hope of probable birth of a baptized child, and the mother's death be not certain; for in doubt concerning both sides, the life of the soul of the child is more to be preferred than the temporal life of her own. Pregnant.

D. de Panis debeat expectari tempus puerperii; tamen si censetur infans certè decessurus prioremque ad lucem pervenientem, licitè potest ventre matris secari antici- pando supplicium, quia alias dilatio quæ datur ob bonum prolis tum cederet in ipsius detrimentum. I have deemed it worthwhile to note many things that Francis- cus Emmanuel Cangiamila writes in his Sacred Embryology. There he says I. 1. 2. c. 15. n. 1., adding that the Parochus is to be held absolutely bound to care, so that the mother not be buried before incision: otherwise he thinks himself not excused from irregularity, since the Parochus is bound by duty to hinder the death of infants. But to this I do not acquiesce, because in that case, since the life of the infant is not certain—indeed its death is not even certain—according to what is said 1.7 n. 347 dub. 4. Item addit c. 16. quod si invenitur alius, etsi non Chirurgus qui animum habet ad incisionem perficiendam, ille tenetur eam efficere. He says in II. 1. 4. c. 6. n. 2., that since the infant has not entirely emerged from the womb, Baptism should not be administered by the Parochial priest, but by the midwife.

He says III. That it is especially to be observed in that case where there are signs of danger in children, namely 1. If a boy is born without a cry and with tears. 2. Si modice respiret. 3. If it appears livid, especially on the face or head. 4. If it is born after much time or obstetrical travail. 5. If it is born before the seventh month. 6.

If it has an exceedingly soft skull, or if the sutures are abnormally wide, or if other parts are disjointed. Although it is not permissible to immerse a boy in a river, nevertheless it is nonetheless licit to baptize him with cold water if other means cannot be had, even though there might be fear that from this the death would be hastened, as commonly teaches q. 4, n. 14 and . 36. cum tum quia casu potest negligi parva illa vitae jactura, ut infantem consequatur vitam aeternam. 107. — Question NoneII. Whether an infant in danger of death can be baptized in the womb of the mother? It is certain that Baptism is invalid if it is conferred upon a child from the body of the mother, because the infant is a person distinct from the mother. See S. Th. 3. p. q. 68. art. 11. n. 5. et alios communiter id docentes.

It is doubtful whether an infant is baptized validly when the uterine orifice is opened, even though no part has emerged into the light, provided that the child can be immersed with water through an instrument? The first opinion denies it, and this is held by the Nats. Prop. 2. in fine, Conc. tom. 8. pag. 133. num. 5. cum P. 7. cap. 5. num. 2. Reason, because no one is said to be reborn except previously having been born, from John 3. Y. 5. Unless one has been born of water etc. And for this opinion it seems that D. » agrees; and more clearly in a letter to Dardanus he says: "If therefore man can be regenerated by grace of the Spirit in the womb, since there remains to him still to be born, he is consequently reborn before he is born, which cannot possibly happen."

"This is confirmed by St. Isidore, who in cap. 115 de Consecret." Distinction 4 thus speaks: "He who is born still according to Adam cannot be regenerated according to Christ." » And from the Roman Ritual on Baptism where it is said: « No one in the womb of the mother » should be baptized. The second opinion, however, sufficiently probable affirms, and this is held by P. D. 25, sect. 6, art. 11, p. 276, p. 299, n. 137; 3, p. 29, n. 22 et 51. With Rambes and Croix, l. 6, p. 1, n. 292. Bened. XIV, l. c. Ratio, quia talis infans, cum jam existat homo viator, bene potest Baptismum suscipere.

Nor does the opposite reason hinder, that one cannot be said to be reborn who has not yet been born; truly, for someone can be said to be born not only when he emerges from the womb, but also when he already lives in

the womb, according to the words of the Angel to Joseph about the conception of the Incarnate Word in Matthew 1:20. That which is born of her is of the Holy Spirit. That same D. Thom. asserts idem in 4. Distinction 12, Question 1, Article 2, Responding: There are two kinds of carnal generation, the first in the womb, the second outside the womb. And this is more openly demonstrated in c. 4. de Bapt. where Innoc. III per primum dici hominem nasci cum concipitur, inquiens: In carnali generatione qua proles ex viro et femina nascitur.

Note that it is generated from a man and woman: therefore offspring is rightly said to be born only from a man and a woman generated. And from this nativity can appropriately be explained the text of John: Nisi quis renatus fuerit, etc. For in the third note number four, that text is thus explained: That in their regeneration may be cleansed what they contracted by generation. Therefore, original sin is contracted solely through generation, just as, for a man to be regenerated by grace, it suffices that he has already been generated; and thus the Council calls Baptism regeneration, which does not require nativity from the womb, since this is not called generation, but only that nativity which takes place in the womb, and by which man becomes the son of Adam. And finally, art. 11, where after he had denied that a child could be baptized in the womb of the mother for the reason that, as he says: "The body... of an infant before it is born from the womb cannot be washed by any means with water"; immediately he adds: Unless indeed it is said that the baptismal washing, which cleanses the body of the mother, reaches the child in the womb, but this cannot be. Therefore, the Sacred Doctor, and even Saint Augustine, Saint Isidore, and the Roman Ritual, by denying that a child can be baptized in the womb of the mother, understand the child completely enclosed in the womb, whom Julian and other heretics pervertedly claimed could be validly baptized for the washing of the mother's body; against whom wrote Augustine; not however of the child who can be touched with water through some instrument; for in this case, as Tournay explains the words of Augustine, he is said to have at least begun to be born by the opening of the womb; and therefore . He adds moreover: But this cannot be; it is to be understood of ablution without the opening of the womb: Therefore, if the ablution can reach [there], as well argues St. P. Bened.

XIV, bene potest puer baptizari. And that which can be, our Pontiff says with the Count, is confirmed by the judgment of the Physicians and Midwives. But it brings forward the doctrine of Sylvester and Vasquez, who say that an infant wrapped in the womb can be validly baptized, because this is considered as part of the infant: since it is contained with the infant's navel; and they consider this probable, n. 3. from Augustine

and tom. 3. R. 4. Cum Praepositis his, puto infantem omnino baptizandum esse in casu necessitatis (sub conditione tamen) in prædictis casibus. Hoc autem sedulo observandum est quod docet q. 68. art. 11. ad 4. dicens: « Expectanda est totaliter exitus puellae ex utero ad Baptismum, nisi mors imminat; si tamen primum captu exitur debet baptizari periculose: et non est postea rebaptizandus, si eum perfectè nasci contigerit. » And it seems that whatever other part should be considered, in case of imminent danger.

Because nevertheless in no integrity of exterior parts does life consist so perfectly as to agree in the head; it seems to some that on account of doubt, if any other part of the body be washed, a child after perfect birth should be baptized under this form: "If thou art not baptized, I will baptize thee:" whatever however Sambonius and Pontas say at Tournai n. 299, namely, that even in such a case a child is baptized in the head is subject to rebaptism, because it is not said of one who has only brought forth his head from the mother; yet this I hold contrary to the aforementioned doctrine. Romanus, ubi hoc expressè sic confirmatur: « Si infans caput emiserit, et periculum mortis immineat, baptizetur in capite; nec postea, si vivus evaserit, iterum est baptizandus. » » Question NoneIII. Is the baptism valid if water merely clothes the person, or only touches the hair of one being baptized? If it touches the clothes alone, the Baptism is invalid, as Concina says meritously on page 134, note 8.

Eibel n. 23. et n. 37. cum aliis comm. (contra Leandrum, qui laudat n. 21. cum aliis de Baptismo cum ablutione crimium duntaxat; sed absolutè oppositum tenent. Resp. mor. l. 1. dub. 1. n. 3. quorum sententiam ipse Lugo merito probabilem putat. Reason, because although hairs are not animated, they are nevertheless not pure excrement, but rather good parts of man, congruent to the exterior skin, which even though it is not informed by the soul, is nonetheless truly washed in baptism with water, and not the interior skin. Here rightly they say n. 3. Lugo loc. cit. 2. art. 3. n. 5. n. 41 et Diana p. 5. tr. 3. R. 4. with Soto, Vasquez.

Propos. et Ochagao. Baptism to be conferred even on one with hair; and thus in necessity, if elsewhere it cannot be provided, it should be administered under condition. And likewise it must be said with C. and D. Thomas as stated above, concerning Baptism which cannot be conferred except in a digit, foot, or some other smallest part of the body. Question. IV. May the Baptism conferred on another part of the body, namely the back, shoulders, arms, or chest, be valid in place of baptism on the head?

The commonest opinion is the affirmative one, which Busemb. holds as stated above, and in section 20, chapter 3. However, according to Peter of

Nancy at the aforementioned place, they consider it doubtful whether such Baptism should be conferred in any part other than the head, namely on the shoulders, arms, or chest; and the reason seems to be assigned in article 68, question 11, paragraph 4, where it is said: "Because the integrity of life in no exterior part" thus agrees with the head, it seems to some that on account of this doubt, if any other part of the body has been washed after perfect birth, a child should be baptized under this form: If he has not been baptized etc. Therefore, because of such a doubt which arises in Baptism conferred in any part other than the head, they justly say in article 2, note 5 and note 33 with. Turrebl. et Ant à Spir. S. ad majorem cautelam licite posse illud repeti. And the same is found on page 298 at the end, saying: But since in matters of such importance the safer course should always be followed, whoever has been baptized elsewhere than at the head, must be rebaptized anew under condition, according to D. a. 7. ad 3.) thus he says: "If all the body cannot be immersed in water on account of the scarcity of water, it is necessary to immerse the head, in which the principle of animal life is manifest." "Question None"

V. Whether a triple washing is required for Baptism? 4. 18 274. LIB. VI. TREATISE. H.

ON BAPTISM. AND CONFIRM. CAP. I. As regards its validity, there is no doubt that baptism conferred through a single immersion is valid, as all teach according to Decretal 8 from the doctrine from which Pope Gregory certifies: "It is not reprehensible at all to immerse an infant in baptism once or three times." "And sometimes in the Church a single immersion was used, as reported by Antoine, Renzi and others." But n. 3 and p. 29 command that in this [matter] the custom of immersing three times is to be observed.

Whether however this rite should be observed under a mortal sin? He denies; for in Baptism the Mystery of the Saints is expressed. It is fitting for the Trinity that a threefold washing be conferred. That is expressly taught by the Council, which speaking about the triple immersion, which used to be performed at that time, says: "And therefore gravely would another baptize otherwise"; as if not observing the ritual of the Church. And this Antoine and Busemb observe well, as above with Reg., . Seek.

VI. Is there one or more than one sufficient material element for baptizing? They affirm that one or another kind of swallowing is sufficient material for baptism. D. 145. num. 22 et Henrij. apud ac Ieand. et Diana cum l. c. n. 4. cum Soto, . 99. et dicunt esse materiam dubiam. But if the baptizer, with a moistened finger, washes and part of the body of the one being baptized, n. 14 and n. 14. cum et commonly have Baptism as certain,

although Tourn. still doubts about this. ## DUBIUM II. ## What is the form of Baptism. 108. See what Busemb. says about the forms that are valid.

What is invalid. Which are doubtful.— 109. In how many ways can it be formed and reformed? I. By mutation. — 110. II.

Through Corruption. III. Through Transposition. — 111. IV. By Addition. 112. By Diminution.

Here the doubt. 1. Does the omission of the conjunction "Et" invalidate Baptism? dub. 2. Is the omission of the preposition In? question 3. Would a baptism conferred merely in the name of Christ be valid? 108. — « RESP. The necessary form of Baptism is this: I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost, Amen. "By which it does not differ substantially from that of the Greeks: He shall be baptized" (or, as Arcudius wishes, he is baptized) in the name of Christ, of the Father, etc. © (Proposition 27 was condemned by Alexandria.)

VIII. It has sometimes happened that Baptism was conferred in this manner: In the name of the Father, etc., omitting those words: I baptize thee;) Now there are five things which are signified in the pronouncement of the form, according to which its value ought to be estimated: 1. The person baptizing, at least implicitly, what in the Greek form is not neglected, when it is baptized that same thing will be valid and I will baptize him. The act of baptizing, because otherwise the form would lack connection with the matter and would not determine it, since the washing can be referred to various ends. 3. Person baptizing, because, as an ablution, so too the form should be directed toward a particular person. 4. Unity of divine nature, which is effected through voices, in the name. 5.

The Trinity of persons, this explicitly and distinctly explained by common words. Whereupon it is resolved: « 1. He validly baptizes, even though he venially sins, who says in place of baptism "I wash," "I immerse," etc., or uses the common name for baptism according to the manner of the Greeks, or his own name, or baptizes Peter; or who, for honor's sake, says, "I baptize your domination." n. 6. n. 9 et seq. 2. The form is valid, even if Ego and Amen are omitted; because all that is signified by the form is preserved, except if Te is omitted: for then the person to be baptized is not signified, ibid. (It is common with n. 6 and 39.) These forms are invalid: "I baptize thee in the names of the Father, and of the Son, etc., because the Divine nature or essence is multiplied." a. Baptizo te in Patre, et Filio, etc., vel cum Patre, etc., vel per Patrem, vel in nomine Patris, per Filium, in

Spiritu sancto; vel in fide, virtute, majestate Patris, etc. (quam tamen alii dubiam esse volunt.) Ratio est, quia significatur diversitas essentiae, aut certe unitas non satis exprimitur. 3.

I baptize thee in the name of God, » or of the Most Holy. Trinity: either in the name of God one and threefold, or in the name of the three Persons: namely, of the Father, and the Son, with the person of the Holy Spirit omitted. The reason is because the three persons are not expressed distinctly. 4. In the name of our Lord JESU CHRISTI, which form however the Apostles once used, but by virtue of a special privilege many teach; others deny it and say that they were baptizing in the name of CHRIST, adding to that name the name of the second person, without omitting the names of the other persons. While therefore Pope Nicholas said that that form was valid, or understood it if the name of the Son is put for the name of Christ, or in the name of Christ as vicegerent of Christ, or spoke as an uninstructed man with knowledge. See Doubts arise concerning the forms, because the opinion of both sides is probable according to the Authors: I.

I baptize thee in the name of the Father, in the name of the Son, in the name of the Holy Ghost: or I baptize thee in the name of the Father, I baptize thee in the name of the Son, etc. The reason is because the unity of essence is not expressed. II. I baptize thee in the name of the Generator, of the Generated and of the Proceeded; or in the name of the Almighty, the Wise and the Good: or in the name of the Unbegotten, the Begotten and the Good. The reason is that the Trinity of Persons cannot be explained by words which ought to be known by all faithful and can be apprehended. III. I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost, and of the Virgin Mary: because there is doubt concerning the intention of the minister; for if he wished to say this with reference to Mary, as regards the Father and the Son and the Holy Ghost, it is not valid, since it is contrary to the essential sense intended by Christ; but if he merely wished to invoke her as a coadjutor in obtaining grace, or otherwise, it is valid, since it is only an accidental modification.

Son of the man. T. 2. C. 3. Paragraph 50. See also ch. 109. — This is the true and legitimate form of Baptism: I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost, c Firmely de 7. Can. 4. ex illo v. 28. "Ita ergo mittentes" docete omnes gentes baptizantes eos in nomine Patris et Filii et Spiritus sancti. However, this form can vary in many ways, namely: 1. through a change of words, 2. through corruption, 3. through transposition, 4. through addition, 5. through diminution. In his autem omnibus ad discernendum quando variatio invalidet vel non Sacramentum, attendi debet, an ipsa sit substantialis, aut accidentalis.

For substantial variation occurs when the sense of the words intended by Christ the Lord is corrupted; and this sacrament is invalidated thereby. But accidental variation occurs when the same sense remains; and this does not invalidate, unless someone intends to introduce a rite which has not been received by the Church, by thus changing the form: for it does not seem that he intends to do what the Church does. Here henceforward. As regards the change in words, an accidental variation is involved: 1) when a language is changed, as commonly everyone teaches; or rather, according to Lugo, D. 1, n. 107, 6, p. 1, n. 3o, cum. Furthermore, correctly noted by Croix with Sa, § Reg. They nevertheless note n. 12, cum., that the word baptizo should be retained as much as possible, saying: "Io ti battezzo," etc., because it was done for the sake of accommodation of words, so that this word may serve both languages. And even an accidental variation is present if synonyms are substituted for words, such as ablu, laoo, intingo, instead of baptizo, as commonly stated as above, 21st section 2.

Woman. Eng. 10. . 2. c. 19. n. 28. cum cum Con. et n. 13 et p. 143. num. 46. cum Soto, Vasq. Berti, and common: against Ales, but the Council responds well in loco citato that then the Sacrament, if it were to be corrupted, would no longer be corrupted by a defect of words, but by the intention of the Minister; but when the Minister has the true intention of baptizing, he truly baptizes, determining through his intention those profane words to become sacramental ablution, according to what is said with D. v. Prob. 3. The same is said if the form be offered according to the Greeks, namely: Let Surius Christ be baptized in the name of the Father, etc., as was approved by Eugene IV in the Florentine Council. Whether, however, the Baptism is valid if it is said: In the name of the Generator, and of the Generated, and of the Proceding from both?

Cajetan affirms in III. part., qu. 66, art. 5. Reason (as stated in n. 11, that it does not lack its own foundation), because in common theological discourse names such as Genitor, Genitus, etc., are customarily taken to refer to them. But Baptism thus conferred is at least doubtful, as taught by n. 4, n. 16 on p. 311, n. 114, n. 31 in q. 6 and Concilium l.c. with Estius, and he himself explicitly taught this in p. q. 66 art. 5 ad 7 where he assigns a reason for this, saying: "Water is suitably taken" for Baptism, because its use is commonly employed to wash away, "in such a way that names are assumed in the form of Baptism to signify three Persons." Fratris, et Filii, etc., quibus com- » muniùs consueverunt nominari Personæ in illa lingua; nec » in aliis nominibus perficitur Sacramentum. Hence, as referred to on page 311. S Pius V cum nova editio fieret in Roma Opera Caii jussit suam opinionem eradicare. But the Council thinks that such Baptism is validly conferred: In the name of the Father, and of Jesus Christ, and of the Holy Spirit, because, as it says, Jesus Christ truly is the

Son of the Father, but this reason does not suffice according to p. 271, for although Jesus Christ is known to be the Son of the Father, yet this does not sufficiently express it; otherwise, says Frassen, if instead of the name Holy Spirit, the word Paraclete is said, because in the word Spirit the third Person is already sufficiently expressed. 110. — II.

Regarding the corruption of words, D. notes in article 7, paragraph 3, that a more facile judgment is given to substantial change if the corruption occurs at the beginning of the word, as when "Patris" is said instead of "Matris"; similarly, if the corruption occurs at the end. Herefore Zacharias Pope in cap. Retulerunt. He declared the baptism thus received to be valid: I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost. The same is said if anyone through stammering or defective pronunciation says: Batizo, or Babatizo, or Battizo, for Baptizo; or Fili, for Filii. The reason for this is that words are constituted in such a way that if they are ever pronounced with a defect, they will signify the same; thus Concilium tr. 8, p. 146, n. 14, et Croix n. 36 cum Lugo, if abbreviated: in nom. Father, etc. III.

As regards transposition, he says, St. Augustine, book 8, chapter 3. Names and words arranged otherwise signify the same. Hence transposition per se makes a change only in respect of accidentality; for instance, if you say, Tq I baptize myself in the name of the Father etc. The same is said by Lugo, D. 2, n. 112, 278 LIB. VI. TREATISE. Two.

ON BAPTISM. AND CONFIRM. CAP. I. and Cross no. 32. with . Aorsa, et aliis, ut si dicas: Ta baptizo ego in nomine Filii, et Patris, et Spiritus sancti. It does not hinder if by placing the Son you wish to signify that this is the principle of the Father; for, as correctly says Lugo l.c. (contra Sotum), from the natural meaning of the name of the Father it sounds forth that the Father is the principle of the Son; nor does internal error prejudice the value of the Sacrament, as Nicetas I taught in cap. 104 ad Consulta Bulgarorum apud tom. 7 p. 55 where he said: "Now enough," he says (Augustine), we have shown that concerning Baptism consecrated by evangelical words it does not depend on the error of either the giver or the receiver, whether they think otherwise about the Father, or the Son, or the Holy Spirit than celestial doctrine insinuates. III. - IV.

Regarding the Addition, Baptism is valid if non-corruptive form and sense are added, as teaches S. Th. q. 60, a. 8: If one were to say: In the name of the almighty Father, and of the only-begotten Son, etc. Or if one were to say: I baptize you in the name of God the Father who created you, etc. He says otherwise: "In the name of the greater Father, and of the lesser Son; for thus the truth of the Sacrament would be taken away." » However, he

considers the baptism to be valid if one were to say: I baptize you in the name of the Father, whom I consider greater, etc., and this not without reason, for error (as we have already said) on the part of the minister, which he himself would add in the following proposition, does not hinder the sense intended by Christ. What if someone were to say: "Ego te baptizo in nomine Patris, in nomine Filii, etc."? The former considers this Baptism to be non-valid, because there it would not sufficiently express the unity of divine essence; but the latter consider it more probablistically valid, citing the Concilium and Henry and Diana according to Croix n: 34. Reason, because the repetition of the name in no way alters the sense, just as the sense would not be altered if one were to say: In the name of God the Father, in the name of God the Son, etc. The Council also affords many other instances. The Sacramentary, in which the repeated name is read. They say the same. 2. c. 19.

Estius, in Dist. 3, §. 6, et n. 12, cum Soto, Leand., etc., si diceretur: Ego te baptizo in nomine Patris, ego te baptizo in nomine Filii, etc.; nec obstare ait Concilium quod videantur istae tres forma imperfectae, ut obijicit Comitotus; nam respondet hanc revera esse unam formam perfectam, cum moraliter continuetur. However, since the first opinion of Bonacina is not altogether improbable, inasmuch as they think p. 319 n. 20 cum Nun., I therefore consider such a form to be not safe. Certè autem non esset validus Baptismus, si diceretur: Ego te baptizo in nominibus Patris, et Filii, etc., quia sic nullo modo explicaretur unitas essentiae divinae; congruent etiam esset saltem valde dubius Baptismus collatus sequenti bus formis, in virtute Patris etc.; vel in nomine SS. Trinity; or in the name of One, and Trinity; or in the name of Three persons. See and Sporer n. 25. Si quis autem ad nomina trium personarum adderet nomen B.

V. M. says that p. q. 60. art. 8., that if one were to do this with a heretical intention, aiming to confer Baptism in the name of the Virgin, it would be congruent in the names of SS. The Trinity would be invalidated, because the true confession of the Divinity would be perverted. Likewise, if anyone added the name of the Virgin out of mere devotion, for the sake of importunity. 112. — V. As regards the diminution finally of the words, it is certain that Baptism is valid if the words Ego and Amen are omitted, so that all agree. And they say that such an omission does not exceed venial fault decidedly, n. 40.

Sporer num. 28. Leand. D. 3. q. 3. when Fill. Turrecr. 177. and n. 4. with the common, against certain unworthy listeners. But there is doubt. 1. Whether the omission of the conjunction "Et" invalidates Baptism, when saying "In nomine Patris, Filii, Spiritus Sancti"?

They deny it, number 13, and at Croix number 35, because these names, Father, Son, and Holy Spirit, as mutually opposed to one another, already signify the distinction of Persons. They, however, affirm that according to canon law chapter Sed ipse Croix with Aversa rightly considers it sufficient for the validity of Baptism if the particle Et is prefixed to the third person; for on one hand, according to common usage of speech, whenever several names are joined by a single copulative word, sufficiency is achieved when the conjunction Et is prefixed to the last name; on the other hand, the word Et seems altogether to need expression at least before the last name, since the name Spiritùs sancti in itself is not rational but denotes procession of the third person, for the name Spiritùs sancti comprehends both the Father and the Son. Doubt is cast. Whether the word "In" is of the essence? They affirm number 7, namely, because the omission of the aforementioned particle varies the sense; for it says: I baptize thee in the name of the Father, etc., thereby showing that he is baptized by authority, power, or command of the three persons; but in the name signifies in invocation of the Most Holy Trinity. Trinity, as on page 54.

They deny at a more probable place, Psalmist c. 3, n. 21. cum and cum Hurtad. Hence, although here it is omitted to say in, yet it is well understood from the due intention of Minister, by which words of the Sacrament's form determine rather to one than to another sense; all the more so because even still the expressed word in remains equivocal, since it can also signify divine authority or power, as Christ Lord signified when He said: In my name demons will be cast out. And elsewhere: The Paraclete Spirit, whom the Father will send in my name. This second opinion seems to me more reasonable in terms of reason, but since it deals with the value of the Sacrament, I would at least say that one should not depart from the authority of the Doctors. Therefore rightly says the Council that such an omission could not be excused by a mortal. Doubt is cast. Whether the baptism conferred merely in the name of Christ is valid?

A doubt arises from those words where it is said: He was baptized in the name of Christ. And from the text in c. Ac quodam de ubi Nicolaus Papa ad quaesita Bulgarorum sic respondit: « Hi profectò, si in nomine SS. Trinitatis, vel tantum in nomine Christi, congruunt in Actib. Ambrose, lib. 1., de sic scripsit: « Qui benedicitur in Christo, benedicitur in nomine Patris, et Filii, et Spiritus sancti, quia unum nomen, potestas una. » And the Ethiopian Eunuch, Candace's Queen, having been baptized in Christ, has attained to the fullness of the mystery. "Today it is certain that this baptism is invalid, as all commonly teach with St. Thomas 3. p. qu. 66. art. 6."

This is held to be expressed in the c. Si vere 3o. de ubi Pelagius Papa dixit:

«Si hi se solummodo in nomine Domini baptizatos fuisse confitentur, sine cujuscumque dubitationis ambiguo eos ad fidem catholicam venientes in SS. By the name of the Trinity you shall be baptized. As to the text of the Acts, variously do they respond, and indeed all probably; the Council responds that in accordance with the special revelation of Christ, the Apostles in the primitive Church baptized in the name of Christ. And thus likewise does Scotus say in IV. D. 3. q. 2. n. q. Et huic sententiae defert Catechismus Rom. § 16. Others however more commonly and reasonably respond, that by the name of Christ there is understood the Baptism instituted by Christ in distinction from the Baptism of John; but then also the Apostles were baptized: and this they prove from Acts 19, where, when some were asked whether they had received the Holy Spirit? they answered that they had not, unless if the Holy Spirit is present, they had heard.

Hereupon the Apostle added: Into what therefore have you been baptized? Supposing it to have been customary in Baptism to express the names of the three persons; otherwise that admiration of the Apostles would have been incongruous: as stated at page 7, paragraph 53, with reference to page 4, paragraph 309, and Natal. page 3, regulation 2, with reference to St. Basil. St. Cyprian. S. Aug. St. Hilar. and St. I. n. 105. Frassen. 1. 10. p. 274.

Tourn. 1. 7. p. 57. Suo Petrocor. tom. 3. p. 170. n. 10. n. 38. Non enim fuit Papa interrogatus an valeret Baptismus ratione formæ, sed solùm, an esset validus Baptismus collatus a Judæo; et ibi obiter exposuit mentem D. DE MINISTRO BAPTISMI. DUB. III. ART. I. DOUBT III.

OF THE MINISTER OF BAPTISM. ARTICLE I. Who is the Minister of Baptism. 113. Who is the minister of valid baptism, and who is of lawful baptism? — 114. No one without a commission can baptize outside his diocese.—118. Ubi ex quo baptizandi peregrini, vel casu nati?

And is it sufficient for someone to have a quasi-domicilium in order to constitute him a parishioner of that place? — 116. When may a Deacon baptize? Dub. 1. May a deacon solemnly baptize in necessity? Dub. 2. A clericus, aut diaconus solemniter baptizans sine commissione fiat irregularis?

Dub. 3. Is a layman, performing a solemn baptism without commission, made irregular? — 117. Order is to be observed among the ministers of Baptism in cases where it is necessary to administer baptism. Dub. 1. Whether a layman gravely sins who baptizes in the presence of a Priest?

Dub. 2.

Who is excommunicated in the presence of a priest? Dub. 3. Whether one who is present with a Deacon? Dub. 4. Whether he is present with a lower-ranking cleric? Dub. 5.

Does it happen that parents commit a grave sin by having someone baptized contrary to the Preacher's teaching? — 118. Note. 1. Can anyone baptize himself? Not. II. Which delay in administering Baptism is mortal.

Not. III. By whom are infants prohibited from being baptized at home? — "Resp." Every man using reason ministers validly, whether of whatever faith or of unbelief, condition or sex. Licitly, » as ordinary minister and by virtue of his office as Priest having jurisdiction or commission; or by reason of such commission a deacon. In casu tamen extrema necessitatis omnis, qui potest validè, etiam facit licitè, teneturque ut proximo succurrat.

5. t. 2. c. 7. It is certain and of firm faith that baptism conferred by any passerby, whether man or woman, is valid. Ita definitum est in Decreto fidei Eugenii IV, et in Trinitatis ubi dicitur: « Baptismum tam parvulis quàm adultis à quocumque rite collatum in forma Ecclesiae proficere ad salutem. » » (Contrary to Calvin and Beza, who maintained that Baptism could not be conferred except by ministers of the divine Word from the Church’s pastors,) and this is true even if Baptism is administered by a heretic, as defined in canon 4, or by an unbeliever, as declared by Nicholas I in c. A quodam. Distinction 4. concerning Consecration. See S. art. 3 et 4.

However, licitly Baptism may not be administered by another than a priest outside the article of death, as stated in Decree 2 and 3 according to c. Constat, de Consec. D. 4. ubi S. Isidorus ait: « Constat » Baptisma à solis Sacerdotibus esse tractandum; ejusdem min-isterii necipsis Diaconis explere est licitum absque Episco- po vel Presbytero; nisi his procul absentibus, ultima lango-ris necessitas cogat. Which is generally permitted to faithful laics, that no one be called from this age without remedy to eternal salvation. Therefore beyond the article and peril of death, as rightly stated in number 16 along with others, wherein lacking a Priest or cleric, any layman can baptize, much more is it held that the Ordinary Minister and Solemnity of this is the Bishop; but any Priest, as Eugenius declared. IV in suo Decreto dicens: « Minister hujus Sacramenti est Sacerdos, cui ex officio competit baptizare »: modò adsit licentia Episcopi, ut dicunt communiter omnes cum p. 174. et probat Cont. p. 331. ex Tertull. Saint Hieronymus.

S. Ignat. M. etc. However, a parish priest is also considered the ordinary minister of Baptism, as everyone says; because immediately and upon being approved by the Bishop, he receives from him the license to baptize, which by common law is so stable that it cannot be deprived thereof without just cause: and thus a parish priest can commit the administration of Baptism to other priests, as Tourn. teaches on page 332. . 189. n. 34. n. 35., and others commonly agree. 114. — « I. Not only a deacon, but neither a parish priest nor an episcopus may lawfully baptize others outside their diocese or parish without a commission (Ex c. 16). We interdict. Or. I.) Therefore also parents sin who, without the permission of their own Prelate, bring forth a child for baptism to another, when they violate the right of the Parochial Priest. . c. 118. — Here more things are notable.

I. Strangers, or those who do not have a domicile, cannot be baptized in the church which they have chosen, ex c. nec numerus, q. 3. Croix: t. 6. p. 1. n. 275. n. 37. cum: verumtamen, si ille Pagus parum distet a Pago proprio, v.g. duabus aut tribus horis, potest baptizari proles etiam in Ecclesia sua. Croix number 375. with Gob. But this doubt arises: whether they should receive Baptism and other Sacraments from the Parochial Priest of their own domicile, or whether they can also receive them from the Parochial Priest of the place where they are, as it were through a domicile? Here stands the double probable opinion.

The first opinion holds that they should receive from the parish priest of their own domicile, since they are about to return there. They hold this also, Henry. I. 11. c. 3. n. 3. item Rod. Segura and Ledesma according to n. 29, who consider it probable with Palao D. 2. p. 12. §. 9, n. 8. in fine, et . I. 3. D. 23. n. 13. qui vocat probabillissimam cum Host.

Rosel. Ang. Silo. ; otherwise he would have two parochial habitations, which no one can have unless he equally places himself in both, as they say. 3. Doctor 24. number 5. Pontif. lib. 5. c. 16. n. 1. and c. n. 32. with Bon.

Perez, Coninch. on sepulture in 6 and chapter. Assumption, §. Of men, f. to municipality concerning allegations 32. with many Decrees. Rotæ, n. 23, no. 13. Cross 1. l. 6. p. 3. n. 721. Pont. l. 5. c. 13. n. 4. c. 9. et cum et alii apud dicunt etiam teneri) advenas recipere Sacramenta à Parocho loci, ubi jam contraxerint quasi domicilium; contrahitur autem quasi domicilium ab eo qui habitat alicubi, non per transitum, sed per majorem anni partem, aut cum animo permanendi ibi per majorem partem anni, ut dicunt . 3. D.

23. n. 12.

Sylvest. v. Domici- lum n. 4. et cum Bon. But they say: Third Part, Fourth Book, Chapter Twelve, Number One. Nao. de Jub. 33. v. I dwell, number 33, and confirms Bened. XIV Notif. 32. n. 6. According to common sufficiency for contracting a quasi domicile habitation through some notable part of the year due to some business cause, such as studying or performing the office of Judge, Physician, Professor, Merchant, Servant, Innkeeper, and similar ones.

The reason for this second opinion is that by means of a quasi-domicilium, each one who resides in a place becomes a parishioner of that locality, as can be seen from the Final Chapter on Parochial Matters, where those who flee to some Parish due to a cause such as war are already considered its parishioners. Notandum II. A foreigner can be baptized well by the permission expressly given or reasonably presumed by his own Priest. Miranda, Henr. and . c. 5. n. 38. III. Religious can baptize in cases of necessity, or with the permission of the ordinary minister.

A priest baptizing without license outside of necessity, even without solemnity, sins gravely, according to no. 41. And commonly V. No one can lawfully baptize at home outside of necessity, except the children of the Prince, according to the same number 42. Upon this, see what is said in no. 118. Not. III. 116. — "2." A deacon can baptize not only in extreme necessity, but also in another notable case.

And indeed, with the permission from the Bishop or Parochial Priest, a deacon can baptize not only in extreme necessity but also in other notable cases; for instance, if there is a multitude of those to be baptized, or some other serious impediment, they themselves cannot do it. It is certain that a deacon, by commission of the Bishop or Parochial Priest, can baptize, as stated on page 163 and page 174, and elsewhere commonly, in chapter De Diaconis Distinctionis 03, where Pope Gelasius said: "Deacons without a Bishop or Presbyter dare not baptize unless perhaps by long-standing constitutions necessitated by extreme necessity." That likewise is frequently conceded to Christian laypeople. From the aforementioned text correctly derives Genesis t. 6. Man. p. 94. quod talis commissio nequit Diacono fieri, nisi ob magnam necessitatem, vel Ecclesiae utilitatem; puta si non adessent Sacerdotes; vel ut dicunt 25 sect. 2 n. 5. Sporer t. 3. p. 189. 4. 35. . 26. n. 125. pag. 31. 284. LIB.

VI. TREATISE. Two. ON BAPTISM. AND CONFIRM. CAP. I. n. 29. when.

Soto and Vasquez said: unless there is a multitude of those to be baptized, or unless the Parochus is gravely ill, or excommunicated, or otherwise occupied with hearing Confessions or preaching, as it is gathered where the Apostles were constituting Diaconos, they said: Brothers, let us appoint men... for this work; but we will give ourselves to prayer and to the ministry of the Word. But there is doubt i. Whether a Deacon may solemnly baptize in cases of necessity? They affirm. Section 23, article 3, and Sporer considers it probable in number 35. However, Palaus more commonly and more probingly denies it on page 9, number 5. Renzi c. 3. q. 1. cum Conc. et Diana. num. 45. cum Dubitat 2. Whether a Deacon without commission solemnly baptizing incurs an irregularity?

It is certain that clerics who are not deacons, solemnly baptizing, incur irregularity, as stated in the chapter "Si quis," 1, of the treatise on clerics, non-ministerial order, where it is said: "If anyone baptizes or exercises some divine office without ordination, he will be accused by the Church on account of temerity and will never be ordained." As for deacons, however, some deny that they contract irregularity, because in the cited text it is said that one who is not ordained is irregular. A deacon, however, is already ordained to baptize, since in the Pontifical it is said: "It is necessary for a deacon to minister at the altar, to baptize, and to preach." But it is more probable to say that he incurs (whether in necessity or outside of it, whether he solemnly baptizes), according to the common opinion which they hold, chapter 3, note 2, page 334. Birth. Habert t. 5. p. 106.

Renzi from question 5 with Bonaventure 1, note 3. Bonac. eodem titulo pagina 6 nota 5 cum . Reason, because although a deacon is ordained for baptism, he is nevertheless ordained to it only through the commission of the bishop or priest, who alone are the proper ministers of ordaining baptism, as we see. From those very words of the text rightly ensues that a deacon or any other cleric does not become irregular if he solemnly baptizes per jocum or out of gross ignorance; temerity together with some contempt imports positive scientific knowledge. Doubt is cast. Does a layman contracting baptism solemnly incur irregularity?

They affirm. p. D. 31. sect. 4. with Anton. p. 155. n. 8. with . and Sed commonly and more probabilius displeases Palaus de irreg. p. 18. n. 50. pag. 417. num. 346. . cited . Lugo de Panit. D. 18. n. 14. Sporer in the same title number 657. Cross book 7, note 485, with Hurter and c. n. 3, with Soto, Coenobitae. August. Arm.

Who is from the sentence of excommunication in 6. This irregularity, however, is hardly discernible in its expression; although the text speaks

generally, nevertheless, since the title concerns a ministering cleric, those words should be understood generally only according to the title that precedes the text. But: and the reason for this can be (he says, 117. — "3. When Baptism is conferred in necessity, the order must be observed so that if a Priest or Deacon is present and not detected, he may precede the others. Thus a cleric, laic, vir, mulierem, fidelis infidelem, nisi fortè inferior meliùs noverit modum, ut solent obstetrices 6 (Ut n. 18. num Mos- cosa.) 6 (quæ proinde examinari, et approbari debent à Pastoribus), vel alia justa causa sit, ut quia virum ad parientem ingredi non decet. 6 (Pariter, praesente tantum patre, feminam baptizare debet, quia extra summam necessitatem vetatur parentibus baptizare; Croix n. 277. cum cum Platel.) 6. That is, if a Layman baptizes in the presence of a Priest, and according to some also in the presence of a Deacon, they consider it a mortal sin: because this competence belongs solely to the Layman on account of the defect of the Priesthood, who without injury to the Order and Sacrament cannot grant such permission.

In the rest [cases], the perversion of that order is only venial 6 (As commonly in chapter 4.) Number 7. Besides, if a heretic makes use thereof before faithful persons, which was intended to be mortal. Note 4. Con. Accordingly, as regards the order to be observed among the Ministers of Baptism, this is thus contained in the Roman Ritual. If a Priest is present and a Deacon pronounces the words; (and the Parochus to the Priest, as correctly say Tourn. tom. 4. pag. 335. et pag. 124. n. 5. see said n. 113. in fin.) "The Subdeacon to the Deacon, a cleric to a layman and a woman to a man, unless grace befitting a woman rather than a man deems it proper to baptize an infant not entirely born, or at best a woman knows the form and manner of baptism." Therefore, the parish priest ought to take care that the faithful, especially midwives, hold closely to the correct rite of baptism and observe it properly.

Hence Sporer reasonably judges in n. 190 with Gobat that parishes are bound under a grave obligation to diligently examine midwives, whether they know the necessary things required for baptizing, since themselves they are subject to mortal sin if they omit the proper manner of baptizing, as correctly teach S. Anthony p. 1 n. 270. Nor does it hinder that perhaps others may be present who know the form, for which reason Suares, Diana, and the Decretists seem to excuse them. For it is part of their official duty to be present at the birth, and frequently they are given the opportunity to administer Baptism in cases of necessity. But there is doubt 1. Whether a layman commits a mortal sin by baptizing in necessity in the presence of a Priest? They deny Joan. . 4. n. 11., and Ledesma considers it probable, because the priest does not baptize out of office in a case of necessity, and thus the layman does not usurp his office.

But truly, Francis affirms it. Suarez D. 31. sect. 4. pag. 335. Concim. pag. 154. num. 6. . 25. n. 121. n. 14. n. 10. cum Dis. 4. de Conscr. ubi D. Augustinus sic docet: "In necessitate, cùm Episcopi aut Presbyteri aut quilibet Ministrorum non inveniuntur, et urget periculum ejus qui petit; etiam laicos solemus dare Sacramentum quod acceperunt solemus audire." Therefore, then only can a layman baptize in necessity when there is no priest; otherwise he sins, both because he would then usurp the right of the priesthood, which has been committed to him by virtue of his order to baptize; and because he would do an injury to the Sacrament, which requires (if possible) to be administered by a priest, as having been consecrated for that purpose; and thus even a priest would gravely sin if he were to yield the administration to a layman, as rightly they doubt CC. Dubitatur 2. Whether, in the present case of a priest who is excommunicated, preference should be given to a layman who is not excommunicated? Scotus denies it in question 2, and likewise Leander and Cornius according to n. 14, because even an excommunicated person is granted the privilege of baptizing in extreme necessity, and thus then must the order of common law be observed.

But more correctly does 11th section, 1st part, n. 6 and n. 12 affirm (who holds this as certain) when it says: Reasoning is that the privilege is conceded to one who is excommunicated only in the case of necessity, which is not found to be present, since another suffices who is not excommunicated. Dubium 3. An peccat graviter laicus baptizans coram diacono? The first proposition affirms, while the contrary proposition is negated, Man. t. 6, pag. 9 6. . 2 5. n. 1 2 1. Tourn. t. 4. pag. 3 3 5. Antoine q. 8.

Concilium t. 8. pag. 1 5 5. n. 7. cum Vasquez. King. Fill. etc. Renzic. III. qu. I. cumCon. Proxim. etc. Is proved 1. ex D. Augustine, supra inc. 2 1. Distinction 4. It is conceded that permission to baptize a child without necessity is given when Bishops, or Priests, or any Ministers whatever are not found - even if they be not ordained.

The name of Ministers commonly understands deacons. The second reason is demonstrated; deacons are appointed by virtue of their ordination to baptize per the commission of the parish priest, whence they obtain this special office for that purpose. This opinion indeed seems probable, but no less probable does it seem to me with the second opinion, which those maintain, in the third part, first section, fourth chapter. 4. n. 9. secundae sententia, quam tenent,. Sot. D. 4. art. 2. . 2. c. 2 0. n. 8. . q. 1. Bon. q. 2. p. 5. n. 1 1. cum Sa, Val.

Conc. Woman. Reg. et Graff. item Syk. The reason is that the ordination of a deacon does not competently include the baptism, except by the commission of the priest. Whereupon when he himself baptizes without commission, he does not effect a baptism in any other way than a lower cleric would, according to the dicta thereof. 1 1 6. Dub. 1 et 2. Et quamvis ipse putetur dignior in injure illis præferatur, tamen hujus ordinis perversio non apparet tam gravis, ut de mortali dente urer.

Dub. 4. Whether a layman baptizing, with an inferior cleric present, commits a mortal sin? It seems to affirm, according to P. p. 157, n. 7, that according to divine law the order is always to be strictly observed, unless necessity impedes. On the contrary, it says that there is no sin when there is no divine or ecclesiastical precept found concerning this matter. However rightly others commonly teach that this is not a mortal sin, because such a perversion of order does not seem so grave, since no one except the Priest and Deacon specially appointed by commission is otherwise entrusted with baptizing according to the power of orders. From another perspective, this does not seem excusable by venial fault, firstly because it appears to be some kind of indecency; secondly, because it is contrary to the prescription of the Roman Ritual.

Ita Sotus in 4. Distinction 4., article 2., section 4., first part. Gonet p. q6. pag. 181. n. 12. . 1. Reply to Article 2. Section 4. Number 2. Renz qu. 1. with 7. with and Gabr. Doubt. 5.

Whether grave sinning parents, who have their offspring baptized by a Preacher in order to avoid the penalties of the Edict of the one threatening them, should be punished for this? Although it admits that the affirmative judgment is to be held absolutely true, nevertheless it subsequently offers reasons for doubting, saying that in such a case the Preacher is not recognized as true, but rather as a valid Minister from whom baptism is sought to avoid vexation, permitting then to be performed, not by petitioning and using his impious ceremonies. But it must be absolutely affirmed to be mortal, as they teach, viz., V. Baptism, I, consul., cap. 55, num. 2, p. 27, n. 133, cum Michel. Reason, because by the same penal Edict parents are determined to despise true Religion which they ought to contemn, or at least to honor false Religion. Pignat refers also.

Clementem VIII jam declarasse non licere extra necessitatem extremam, ne etiam à schismaticis quidem petere sacramenta. 118. Hinc ulterius notandum est: nec licite, nec validè potest unquam quis baptizari seipsum, cum persona baptizantis omnino diversa esse debeat a persona baptizati.

Ita communiter quarto libello paginis trecentos et triginta nomen duodecim et alii omnes ex capitulo quarto de Baptismo ubi id expressum habetur. Note II. that grievously they sin who through much time defer the present baptism. This is common among all from many Provincial Councils which have decreed that children should be baptized as soon as possible; and in the Roman Ritual it is said: "The parish priest should exhort so that the Sacrament not be needlessly deferred for children with danger to salvation." What, however, is considered a grave delay, Palaus p. 8. n. 4., holds that a delay beyond one month is grave if no cause exists; but if there is a cause, then a delay of two months is grave. Nearly the same opinion is held by n. 9, who says: "Nevertheless, no ordinary necessity urges, although one or a little more than a month should be awaited, until Baptism of infants can be conferred with due solemnity; yet delay ought not to occur except for grave reasons."

Salman- The canonists however, in chapter 5, note 12, consider it not to be a mortal sin to differ by more than fifteen or twenty days, even without urgent reason. Juéninus contra, secundum suam consuetudinem strictissime constringendi conscientias usque ad extremum, dicit: ultra unum vel alterum diem Baptismi differri non debeo. Tourney autem t. 4. p. 338. putat dilationem non extendendam ultra quinque vel sex dies. Petrocorensis t. 3. pag. 212. Question 13. censet gravem dilationem excedentem octo dies. But more commonly and probably Sotus, Leander, and p. 167 n. 10 and R. 2 say that it is not a grave delay unless ten or eleven days are exceeded. Note III. that infants are prohibited from being baptized at home, except for the children of kings or princes, as is stated in question 3, section 3, note 5, and Sylva, ap.

Croix n. 337. By the name of Liberorum come not only sons, but also grandchildren and other descendants, as noted by the Glossa on the Decretum of Clement v. Children, according to the law. Librorum, ff. de. However, concerning the name of Princes, Jor-danus, Riccius, and Quintana are of opinion. Croix l.c. probabiliter venire omnes barones obtinentes temporalem jurisdictionem.

But it seems more probable with the Glossa ibid. cap. 31. sectio 2. Tournely t. 4. pag. 335. q. 3. . 2. p. 45. n. 84. et aliis pluribus, intelligi tantum filios Principum habentium absolutam potestatem. Item n. 9. Armilustrius holds that it is grievously sinful for the Magnates to baptize their children at home (or even privately in the Church) outside of necessity; as Sylvius in question 71, article 4, with Nainius affirms; indeed, having already received Baptism by this collation, they do not become Patrini. Nevertheless, I think that where the custom has been introduced of baptizing the sons of the Nobles at home, it is not easily disapproved of, as

Croix says in loco citato ARTICULUS II. 119. — « RESP. An duo possint simul unum baptizare. » Si alter applicet materiam, alter formam, nullus erit Baptismus: quia dicens se abluere, cum non abluet, formiam habet falsam, etiamsi usurpet Graecorum Baptistatur serous Christi, vel quæ putatur illi æquivalere, baptistat te Christus: subintelligitur enim per me; alioqui, si excludatur persona ministri, ut sensus sit, baptizet te Christus et non ego, sive non per me, forma nulla est. Ita S. Th. 3. p. q. 67.

Article 6, and others commonly with number 31 and the Council. In the case however of necessity, it is possible to confer Baptism under such a condition, for example, that the mute and form-ignorant one baptize by ablution, while the blind one pronounce the form, teaches Hurter, ad II. » diff. 6. et additque debeo talem, elapsa pericula, iterum sub con- » ditione baptizari. See T. 3. R. 26. ex Chapeaoli. 2. qu. 2. p. 4. n. 23. ˚ (ita etiam n. 31.) ˚ 120. — Resp. 2. If several Ministers individually wash and pronounce the forepillar, they gravely sin against the rite of the Church.

Thus it usually distinguishes the value: 1. If any one intends to baptize, and defers to another on account of a particular cause; they invalidly baptize whether each individually says, "I baptize you," or if we say it: because the form whose sense is considered absolutely and independently to baptize, not to co-baptize, is false (The same teaches S. Th. 3. p. q. 67. ar. 6. with n. 23. commonly). If anyone per se intends to baptize independently of another, he validly baptizes, because all requisites are placed; as is evident from a similar case in the ordination of a priest, when newly ordained priests consecrate together with the Bishop, provided that they simultaneously resolve the form: but if they do not simultaneously resolve it, only he consecrates or baptizes who first resolves. See c. 4. n. 72. and Bon. l. c. n. 25. ˚ (Thus S. Th.) at the same place concerning three. S. Bonaventura cum communiter contra Cajetanum et » Marsiglium) ˚ » Dubium IV. Quis sit subjectum Baptismi? 121.

Who is capable of Baptism? Are children and madmen? — Concerning the penalties of those who are rebaptized. May those who rebaptize under certain conditions become irregulars? — 123. Concerning the infant not yet born. — 124. Are those aborted [persons] baptized made?

Whether several may be baptized at the same time? — 125. Is the Baptism to be conferred on spectacles? — 126. Are the children of the infidels to be baptized? And what is certain regarding this point? It is certain that such a Baptism is always valid. II. Si baptizandi sint filii infidelium, etiam si parentes defecerint a fide. What if they are to remain with heretical parents?

III. If themselves the children of the unbelievers should petition. What if they lack reason in a doubtful matter? — 129. IV. If they are in the danger of death.— 130. V.

If they are placed outside the walls of the parents. VI. If they are taken captive in war. VII. If parents be slaves. — 131. VIII.

If one of the parents consents. — 132. Doubt. I. Whether the children of the infidels, who are devoid of the use of reason, can be baptized against their unwilling parents? And whether those whom the father offers may be freed from the disease? — 133. Dub.

II. Is it permissible to sell infants to pagan parents? — 134. Can and when can Baptism be repeated under a condition? Not. I. What if there should be one witness to a conferred baptism?

Not. II. What about adults born from Christians? Not. III. What if children are repented by the Barbarians? — 135.

Of abandoned infants? — 136. Concerning those who have been baptized by midwives and laypeople. — 137. Of those baptized by heretics. See elsewhere in Bus. — 138. Of the effects of Baptism. — 139. On the required disposition in adults to be baptized, 121. — « Resp. 1.

The subject capable of Baptism is solely the living man descended from Adam and not yet baptized. « Resp. 2. Infants are baptized validly, likewise perpetually insane persons who have never used reason, because they are considered to be of the same condition as infants. Si autem aliquando sint usi ratione, non valent Baptismi, nisi prius amentiam petierint. V. Bon. d. 2. Question 2, Article 6, Chapter 6.

Whereupon he resolves: “1.” If a child who is to be baptized should die before the completion of the form, Baptism is null. 122. — 2. Baptism is not valid if repeated; hence both the rebaptizer and the one rebaptized commit a mortal sin, and become irregulars, and are subject to the penalty of death according to civil law. » (It is certain according to no. 4.) Yet it does not seem to incur those penalties he who, although without just cause, rebaptizes under the condition: because they are understood as referring to Baptism absolutely given, when morally it must be constituted that the prior Baptism was valid. » See » It is certain that when Baptism is repeated without just cause, both the rebaptizer and the one rebaptized become irregulars, according to c. 2 of the fifth distinction. But a great

question arises between the Doctors whether those who, without just cause, rebaptize under certain conditions incur irregularity.

The first opinion, which they hold, is found in p. dip. 31, sect. 6, d. 5, n. 246. Bon. de p. 3. n. 4. . tit. cap. 2. n. 1. v. 4. d. 6. pag. 16. n. 6. Anacl. page 513, note 11, page 416, note 343, on irregularities, note 61. Cross chapter 6, number 485. Puntas. v. Irregularly, case 131. To which p. 103. at the end dissents, saying that such a rebaptizer, although not excused from a grave sacrilege, nevertheless does not incur irregularity.

Reason, because penal laws should be strictly understood and with effect; but he who baptizes one already baptized under a condition saying: If you have not been baptized, etc., truly does not rebaptize, because an added condition invalidates the act: for he who says, I baptize you, if you have not been baptized, is the same as if he said: I do not baptize you. And for the same reason Anacl. l. c. and with Bonac. hold that opinion. Cornelius and Aelia, so as not to incur irregularity, who by reason of fear baptized a baptized person with a simulated intention. The second opinion, however, affirms that such rebaptizers have not avoided irregularity, and they hold this view, namely, Natal. R. 5. p. 186. n. 13. n. 181. Renzi de q. 10. cum P. Bened.

XIV in suis Not. 84.) n. 18. cum Sayr. n. 57., qui reprehendens eos, qui in Ecclesia cum conditione rebaptizant pueros, quamvis exploratum habeant domi vere esse baptitos, dicit: « Quod quidem sine sacrilegio id facere non possunt », et eam maculam suscipiunt, quam divinarum rerum scriptores irregularitatem vocant. The same refers to N. Pontiff having been sanctioned therein in 3. Synodo Mediol. Furthermore, it is proven by reason, because when someone certainly knows that a boy has been baptized and is rebaptized under condition, the condition is imposed in fraud of the law, and therefore it is held to be not properly imposed. The first judgment, considered in reason, lacks no solid foundation; but the second, considered in authority, seems more probable. 123. — « 3.

He who has not yet been perfectly born through baptism is to be baptized, provided that some part can be washed away: because he is a living man, and it is not certainly established that he is incapacitated. ® (See what was said in no. 107. Where we said that it is probable that an infant may be baptized in the womb of the Mother, provided that water can be applied thereto by means of an instrument, under certain conditions.) ® 124. — « 4. If there is doubt whether the infant lives or not, it must be baptized on condition. Natalis R. 3. dicit quod nisi appareat evidens signum vitae in foetu abortivo, non est dandus Baptismus, etiamsi adsit aliquod æquivocum signum. If we speak of Baptism being absolutely administered,

Natalis speaks rightly; but if we speak of Baptism being administered under a condition, it must be certainly administered whenever any doubt appears concerning the life of the fetus, as above, and n. 3., Busemb., says that it ought undoubtedly to be administered. Herein Cardenas most appropriately judges in Crisi 1.

D. 14. c. 3. q. 4. Response 3. Mazzotta t. 3. p. 85. et Croix l. 6. p. 1. n. 294. cum aliis AA. gravissimis: omnes foetus abortivos, si per aliquem motum dent signum vitæ, et non constet eos esse anima destitutos, semper sint baptizandos sub conditione, si vivant; maxime cùm hodie vigeat opinio, non sine plausu à peritis recepta, quòd foetus ab initio conceptionis, vel saltem post aliquos dies anima informentur. Moreover, Tourn. duly observed in tom. 4. p. 363: I ought not to baptize a carnal mass which has no disposition of organs; since it is universally received that one should not infuse an soul into a body before it is formed thus; and then, that it may be baptized, it is required that some sign of vital motion be indicated, as the Roman Ritual prescribes in the Baptismal Office: «5.». Validly baptized is he whom the Minister considers to be another; or though it may be a girl whom he considers to be a boy, because he intends to baptize the present one. It is different in marriage, because he intends to contract with her whom he thinks [to be] she. n. 26. « 6.

Validly, even though outside necessity illicitly, more are baptized at once by this form, "I baptize you," etc. (as St. Thomas says in III. p. q. 67. art. 6. ad 2., and the Roman Ritual where it is said). This form ("I baptize you," etc.) may only be used in cases of mortal peril to baptize more at once, and when time does not permit that each be baptized separately; otherwise, it is never permitted to use this form. The monster, which with head and breast bears the form of a man, is to be baptized; otherwise, if it refers to bestiality. Now if however the head alone is bestial, it is thought to be baptized, Comifolus. Nay, however, and others wish it to be deferred until a certain knowledge is obtained, unless imminent danger of death threaten: then it should be baptized under condition. (When there is doubt whether the monster is a man or not, it should absolutely be baptized if the head is human, even though the limbs are ferine; but under condition, if the head is ferine and the limbs human; this however, if it has issued from the congress of a man with a woman: for if it has issued from a man with a beast (which I consider incredible), then it should always be baptized under condition; similarly if it has issued from a woman and a brute, then not at all to be baptized, because it would not have descended from Adam, as being not conceived by the seed of a man.) Ita n. 3. et p. 362. Conclusion 2. with St. Thomas.

Henry See 5th chapter, section 2, canon 3, note 12, and the Roman Rite

regarding Baptism. Indeed (it is to be prayed) that which is contained in the Roman Ritual where it says: But as regards that about which there is doubt, whether one or more persons shall not be baptized until this is discerned. Discernere autem potest, si habeat unum vel plura capita... unum vel plura pectora: tunc enim totidem erunt corda et animae... hominesque distincti, et eo casu singuli seorsum sunt baptizandi. When however it is not certain in a monster that there are two persons, because it does not have two heads and two breasts well distinguished, then one should be absolutely baptized first, and afterwards the other under condition, if he has not been baptized, etc.) ® 126. — « Resp. 3. Beyond the peril of death validly, yet not lawfully, are baptized the infants of the Gentiles, against the will of their parents. The reason is, either they have the consent of the parents taken away, and an injury is done to them; or they are left without it, and an injury is done to the Sacrament, which exposes one to irreverence.

If, however, they can be Christianly educated (to which you would then be obligated), it will be permissible in these cases. I. Quod si tamen possint christianè educari (ad quod tunc obligaberis) licebit in his casibus. If the parents are thy servants; then they belong rather to thee than to theirs. II. Si parentes sint tua » slaves; then indeed they belong more to you than to theirs. If parents at some time were baptized, whether both or at least one, then the Church has rights over them. III.

If one of the parents requests it; then his just will is to be preferred unjustly over the other's, in favor of the offspring and of faith. IV. If an infant is in the danger of death. V. If a child who is now of sound reason should petition for himself in matters of religion, because it pertains to him as being sui juris. In dubio autem de usu rationis, sufficit esse septuagesimum annorum.

See. c. Fill. tom. 2. c. 6. Number 12. It is asked whether the children of infidels can validly and lawfully be baptized against the will of their parents? Above all, this much must be noted first and foremost, which is certain in this point. It is certain that such baptism is valid as commonly stated on page 364. Lugo Resp.

Moral. lib. 1. dub. 3. n. 10. cum S. Anton. The same is taught by N. SS. P. Bened. XIV in sua instructio ad Videsubjecto. BAPT. Subject of doubt.

IV. ARTICLE II. 293 ceased. which begins Postremo mense, n. 33. (See in Bullario t. 2.) The same had previously taught D. to others 23, where he gave reasoning on this matter, saying: "For it is not written unless one has

been born 'from the will of the parents,' but unless one has been born 'from water and the Holy Spirit.'" 127. — Certum est II., quod si parentes defecerent à fide ad Infideles, bene possunt eorum proles, ipsi invitis, baptizari, quia congruent Ecclesia habet potestatem coercendi parentes ad finem observandum, ita ut filios ab ipsis auferre possit. Thus commonly . 25. sect. 3. . 5. c. 6. n. 11. Natality regula prima numerus quinquagesimus duo paginis centum quadraginta duas, numero triginta quarti. Antoine de Roncag. eod. tit. qu. 2. n. 141. n. 15. et alii passim.

And likewise it must be said, if only one of the parents had previously been faithful, as commonly Croix states in lib. 6, p. 1, n. 299. Antoine, Roncag. ll. cc. . 25. sect. 5. et cum Sed probabiles affirmant n. 12. q. 5. in fin. et Croix num. 307. cum Aversa, Gob. Reason, firstly because there is no certain perversity in such a offspring, since many children die in infancy; secondly because the same danger presses, if the offspring is not baptized, for it is baptized by heretics to whom true baptism is indeed conferred. Otherwise it must be said, if Baptism is invalidly conferred upon some Heretics, as happens among Lutherans, Anabaptists, and Calvinists, then the offspring of these are considered as children of the Unbelievers, as Croix says in n. 303 with Dic. However, the children of heretics who are truly baptized licitly are baptized, against the will of their parents, when they can be constrained to do so, in order that the children may be instructed in Catholic faith; otherwise, Superiors of the Church may lawfully take them away from such parents, so that they may be educated Catholicly. Thus 11. and Croix num. 303. cum Aversa, Dic. etc. 128. — It is certain III., that if the children of Infidels have use of reason, and seek Baptism, they can and ought to be baptized, even while their parents are reluctant.

Thus on page 174. Tourn. l. c. Lugo Resp. Moral. l. 1. dub. 4. Natal. reg. 6. . 10. . 5. . 2. et S. P. Bened. l. c. ex D. 13. 3. p. qu. 66. art. 10. ubi idem docet, inquiens: « Quantum ad ea quae sunt juris divini vel naturalis, incipiant » (filii) quæ potestatis esse; et ideo propria voluntate, invitis parentibus, possunt Baptismum suscipere, congruent et Matrimonium contrahere. And after the son has been baptized against the will of his parents, the Church can and should separate him from them, in order to avert him from the danger of corruption; as stated in q. 5, n. 8, n. 14, from the Council related in c. d. Judæis D. 45, and confirmed by S. P. Bened. XIV. n. 29.

But what is to be done if there is doubt whether the child has it or not full use of reason? q. 2. R. 1. when Pas. and 2 9 4 LIBIV. TREATISE. I I. DERAPT. AND CONFIRM.

CHAPTER I P. Bened. n. 4 o. dicunt possebaptizaripuerum, siseptemium compleverit, qui atunc presumptiostat pro ruris. Moreover, in order that. Conc. a p. Lugo. L. c. Sotusin 4. D. 5. art. 1 0. dub. 2. c. Croixn. 366. cum Candido et Pasq. item Conc

Cabrerra, Ochag. in p. Lugodub. 4. n. 2. dicit: posse puernum baptizari, adhuc non completum septemniuom, qui in dubio decidendum est in favorem fidei; idem sentit. 2 5. sect. 3. quamvis hic monereat expectandum usque ad perfec tumus sum rationis. Moreover S. P. Bened. n. 3., cum Lugol. c. n. 2., docet indubio rationis ante septemniumpueropetenti baptizari omnino differendum Baptismum donec constet de perfecto ipsius rationis usu: sed sapienter addit illud tum non avocandum a parentibus, et in loco totidem custodiendum. Even though there be no obstacle or rule that it would be more fitting for one possessing the power of perfect use of reason to delay Baptism until a son is constituted in perfect rational use; yet prudently he adds that this must not be demanded from parents, and here it should be kept in custody: for truly the pontiff correctly responds with Lugol that the rule should proceed in like cause; but in our case the cause rests more properly in the case of the son, because here there is a deprivation of the will of the parents, namely that they are deprived of their power to some small extent by their own authority; contrariwise acts thus and does great harm to the child, not even excepting his eternal death: whence another rule rather urges this, namely that it is more fitting for one who is more capable, than for one who is less capable, to be favored. It is certain that a fourth can and should be baptized if he is in danger of death. Therefore commonly all D.D. cited S. P. Bened.

XIV. n. 7. quid hoc affert duodecim decreta. C. Dicunt autem Sahm. c. 6. n. 3: quod adhanc prolem baptizandam requiritur, ut moraliter de ipsius vitæ desperet; sed melius loquuntur Busemb. ut supra, . 10. . 2. Antoine q. 13. et Croix n. 305. 14. Sporern. 53. dicentes prolem esse baptizandam, quandocumque imminet periculum certi sive proximi suae mortis. 130. — Certum est V. quod si filius infidelium justè vel in justè sit positus extracuram parentum, nec sit reversurus ad ossa sua, tunc bene potest baptizari. It is commonly found in Juenin, tom. 7, p. 174. Tourn. p. 374.

Concilium tertii lateris, tom. 8., p. 176, n. 10. Natal. . 3. reg. 5. . 7. Sporernum 63. 141. 3 n. 51. 6 n. 32. et 34. 6 n. 10. cum Soto, Vasquez. Idem quod concilium l. c. et N. S S. P. Bened. n. 9. cum. Sessa, etc., defilisab infidelibus usque expositis, vel elicitus videri, et amissa parenteseos deinde repetant; et hoc ex cap. 1 de Infantis et Languidis expos. ubi dicetur: « Si patre vel ab ipso alio libenter accepto, sciente ipsi, aut relegato pietatis officio infans expositus extitit, hoc ipsum a potestate

patris liberatus fuit. » The same is said — while the offspring of the faithful are perpetually in perdition, as they teach. 6. n. 10. . 5. n. 15.

Anacl. p. 546. n. 10. Psalm 37. Spores. 5 5. . 2. . 1 4 1. Reason, that the peril of perversion may cease, lest then the children be extricated from the power of parents, who over them has no authority - indeed, when they are themselves directionally incapacitated. It is certain VI. that children captured in war from infidels can be baptized well against the will of their parents; thus Gonet p. 103. Junin. p. 174.

Question V. Article 2. Number 3. and N. Benedictus. XIV. n. 7. cum Lap. quia lege belli captivi non amplius ad parentes, sed ad Dominos pertinent. It is certain VII. that even lawfully the offspring of infidels may be baptized, being slaves of Christians, as Antoine q. 13. Nat. 2. nu. 18. Wigandt Example 5, number 62. Eibel n. 52.

Cross n. 300. Reason, because the Lord, since they have dominion over parents, also have dominion over their children. 131. — It is certain VIII., that if one parent consents while the other resists, the child is baptized well, as Bus. supra, Petrocor. tom. 4. pag. 191. Tournely. l. cc. cum ... 52. et N. Bened. XIV. n. 15. ex Concilii . Can. 62. in capite Judæi 28. qu. 1. et capitulum Ex litteris 3. I extract from the Conversion of the Infidel. And likewise it must be said, if the dead Father and paternal Grandfather consent to the Baptism of the child, while the Mother opposes, as Tournely says in that place with Sylvius and Nao, and P. according to the authority of Gregory.

XIII. 132. — But there is doubt I. Whether, when both parents are unfaithful and dissenting, their children who lack the use of reason can be baptized? Resp. Duduunt autem possint baptizari filii eorum usus rationis carentes, utroque parente infidei reluciente. If the children are to remain under the authority of their parents, in no way is it permissible to baptize them, as decreed by S. C. S. P. The doubt therefore turns: if such a danger does not exist, namely, if the children are removed from the authority of their parents. The first opinion more commonly negates this, and this is held by D. Thomas II-II, q. 10, art. 12, those who follow whom are found in Gonet tom. 6, p. 102. Concisely paragraph 172 note 2.

Wigandt n. 62. Nat. ; item Tournely in praelectione. Theol. tom. 7. p. 154. n. 20. Juvenal tom. 7. p. 173. Petri Tommasi Opera tom. 3. p. 191. Antoine question 13.

Response 4. Cross book 6. page 1. note 298. note 10. Roncaglia q. 2. R.

ratio quia subtractio filiorum à potestate parentum cederet in eorum injuriam, cùm ipsi habeant na- turalem jus super filios. The second opinion, however, which Scotus holds in 4th distinction, 4th question, n. 2, whom follow pp. 209 and 30 with Mastri, Bossuet, Henryk, and others commonly Scotists; also n. 14 and p. 4 of the page 260, concludes 3rd, and considers it probable Estius in book 4th. Dubium 6. §. 2. censet licitum esse hujusmodi filios baptizare, saltem auctoritate publica, et ex consensu Principis. Hæc sententia per se loquendo non videtur sua probabilitate carere; interveniente enim periculo salutis æterna filiorum, parentes non habent jus in eos; et congruent potest eripi filius à pa- rentibus, ne ipsi inferant ei mortem corporis: tantò magis eripi valet ut à morte animae liberetur.

I said per se loquendo; for when the circumstances are considered, this judgment seems scarcely capable of being carried out in practice on account of the graver evils which would accompany such baptisms. And therefore the Church, as it testifies. Furthermore, it must be noted that concerning the children of Hebrews, there is a Constitutions of Julius III (reported by Pignatello t. 4. consult. 192. and N. P.), which imposed suspension and a penalty of one thousand ducats upon baptizing the children of Hebrews, provided the parents were reluctant. And this was confirmed by the Sacred Congregation on the day of the Council in 1630, establishing that no manner of Hebrew children should be baptized without their consent, until they arrive at legitimate age. Nam et quisquis Iudaeus filium suum baptizare offerens, eum ab infirmitate liberet? N. brings forward the Decree of the Sacred Congregation of the Office issued on September 24, 1609, by which it was decreed that he should be baptized.

But, as we have said above, after such a boy has been baptized, he should be taken away from his parents, that he may be educated Christianly. 133. — Dubitatur II. Whether it is licit to sell unbaptized children to unbelieving parents? He denies the third difference number five because it seems to be against Christian charity; but commonly and sufficiently probatively they affirm it, section sixteen, note ten at the end. Furthermore, 6 and 20 from note 17 and page 6, number 14, with Henry and others. Reason, because per se it is not an intrinsically evil thing to restore children to parents; and on the contrary it seems that there is no obligation to provide for and educate such children without any utility, since charity does not obligate only to a burden when children are not in extreme necessity. But to this reason I do not altogether assent; rather seems preferable the reason for preserving the common peace, because if they were absolutely denied to infidel children seeking them, damage would arise, which even themselves would not return Christian captives,

with great disadvantage through conversion; more, however, it belongs to the Church to care that its faithful keep the faith than to lead the infidels to faith.

Here is tested . l. c. with 134. — "Quæres." Is baptism sometimes able to be repeated, and what form? Respondo. When to rebaptize temerarily is a mortal sin on account of the object, being in the genus sacrilege while you strive to minister the Sacrament to an unworthy person; hence, for this reason that it not be permitted to rebaptize, certainty about Baptism is not required, but suffices if there are conjectures regarding it, such as when someone says he was born and brought up among the faithful, and no arguments of any weight arise on the contrary part; for a light or metaphysical doubt does not suffice, but what is required is a grave and moral one, or at least reasonable. In quo inclinant dum esse in favorem baptizandi, rectè monet n. 3 et 4 ex. ON THE SUBJECT OF BAPTISM. DUB.

IV. ART. II. In such doubts attention must be given to the common rule received by the Doctors, which again requires that for the second time to administer Baptism to one already baptized, a prudent or reasonable doubt is necessary, not merely a slight one, whether the Sacrament was or was not validly received; thus 22. sect. 2. v. But you inquire. No. 4. No. 55. Bonac. D. 1. qu. 2. p. 1. n. 36. . 13. n. 3.

When with Con. Value and commonality. But a doubt may arise either as to law or as to fact. When there is doubt regarding law, namely when someone has been baptized with doubtful matter, form, or intention, then certainly Baptism must be repeated under condition, as commonly taught c. and by St. Thomas in qu. 66, art. 9, ad 4 (see the aforementioned note n. 27). Doubt regarding fact occurs when one doubts whether a valid baptism was actually conferred or not; and then if the doubt is negative, that is, there are no indications that a man has been baptized, he must without hesitation be baptized again, as correctly stated c. ex cap. Therefore, where St. Leo teaches on this matter, he says: "It cannot come to the crime of repetition, when it is completely unknown whether the act was performed or not." And in the subsequent chapter, question 3. The same Pontiff gives a reason for this: «Because temerity does not intervene in presumption where there is the diligence of piety.»

» When however a doubt regarding an act has become positive, even Baptism must be repeated when on both sides there are apparent non-trivial conjectures which make the matter doubtful, wherefore in the Council. Carthag. V. related in c. Placuit question whether what is said has been agreed. D. 4. Thus it is said: "Whenever certain certissimi witnesses are not found, they who without doubt shall be considered to have been

baptized... should be baptized without any scruple." However, it is to be noted I. with C. N. 144. N. 62. with . C. N. . P. n. 8.) cum Gbssa in d. c. Cum itaque; in c. Nuper. de Testib. accommodui, ad id sufficere unum testem ocularem fide dignum.

And this even if the witness is a woman, as noted II., that baptized are not those who are born to Christian parents and brought up among faithful ones, even though there be no testimony accepted of their Baptism, as expressed in c. Veniens 3., from which it is said: "And certainly of him who has been faithfully conversed being born of Christian parents and among Christians, so presumptuously is he supposed to have been baptized that this presumption should be held for certainty until perhaps the most evident arguments prove otherwise." This however is to be understood, provided that serious objections do not arise on the contrary part, as Bus. supra and n. 4 aptly observe: "Nevertheless, I think that sometimes even adult individuals brought up among the faithful should be baptized under condition, if such conjectures are present (for instance, because he was born of parents suspected of witchcraft, is very much persecuted by the Devil, and cannot be known to have been baptized by any indication), which conjectures remove the presumption of received Baptism and make the contrary more probable." VI. TREATISE. I I. DEBAPT.

AND CONFIRM. CAP. I. efficacious. Referred back. Zachariah annotated in Adnot. ad Croix 1. 6. p. 1. n. 3 1 opining thus. C. baptizandam esse sub conditione quodamdam mulierem, eò quod nullus potuerit reperiri vestium Baptismi, nec Matrimonii parentum assertorum. Not an - dum III, quod si infans aliquis arreptus sit a Barbaris, et dubietur, an captus fuerit ante vel post Baptismum, tum com ninobaptizandus est sub conditione, ut cum communidicunt Pul. v. 1 3. n. 8. . 5 8. et alii, exc.

Paroulos. D. 4. de Consecratione ubi Gregorius. He eighth defined explicitly. 1 3 5. - "I." Subconditions haptizandisunt I. quicummateria « etforma, autintentionedubia (secundumsupradicta) sint » baptizati. 2. Infants exposed and found without a name stand in need of baptism; thus it is said. Therefore generally.

Quintan. tamen ad tertium et ad primum secundae tertie unius quarti contendit hosse baptizandos. 3. Bap → tizatiabobstetricibusveneficis; præsertim si fassæ vel con victæ fuerint, aliquod non rectè baptizasse. . 5. n. 3. "Whether infants exposed to danger should be baptized?" If infants exposed are found in the schedule, since there are no doubts about baptism, unless it has been falsely stated that they had been baptized improperly, as Bussem and others commonly say. 6. n. 5 7. cum et aliis. The question arises, whether infants exposed without a schedule should be

baptized? The first sentiment denies it, which Busem holds above, et 1 3. num. 5. lau - dans, Sot.

Vasq. . quia testimonium illud moralis inducit certitudinem, cùmneque at rationabiliter crediparentes qui Catholice se præsum nutur, vellesuam prolem tanta Sacramentum privari. However, the more common and received sentiment teaches that all should be baptized under the condition that they do not possess moral certitude of Baptism conferred and received, otherwise remaining always a prudent doubt regarding its value. Thus to Peter. cap. 3. p. 211. qu. 11. quaest. 31. num. 147. art. 4. qu. 5. Reply 2. Nat. 7. reg. 6. Conc. p. 1 8 5. n. 1 0. . 3. p. 4 6. n. 6 4.

Croixn. 3 1 8 cum Quintanad. Gob. etc. Tourn. tom. 4. p. 412. cum Sylo estet Henno, ac Sporerq. 196. n. 72 cum Marchant. et Synodis Camaracensi, Narbonensi, Aquensi, et Tolosana, idem quidem sentit Noster Bened. XIV dict. Notif. 8. n. 8. quia affert concilium Mediolanense sic statuens: "Infans" expositus, licet appensus colloscriptum habeat, quo illa baptizatus significetur, sit amen, rediligenter perquisita, quem ad modum Catechismo Romano expressum est, adhuc dubium sit eum baptizatorem esse, sub conditione baptizetur. » Item afferts the Declaration S. C. Council says 15.

January 17 24 wherever it was found that infants of this kind exposed were also subjected to the condition of being baptized, even with the scheda of Baptism conferred, as if they were to be baptized in infancy by half a friend's authority. Ethically it is seen indeed according to the Ritual of Rome: "Infants found and exposed," therefore diligently investigates their Baptism if none is found, under "condition to be baptized." "Excepit amen." C. In the aforementioned clarification concerning Baptism under conditions, that which would provide certitude, according to the instruction already given. 136. — « 2. » Infants, having been baptized out of necessity by midwives, or parents, or kinsfolk, etc., all promiscuously to be rebaptized under the condition that they are rebaptized (when midwives are considered good and well instructed) is not permitted, because it cannot reasonably and prudently be doubted about the value of Baptism. 1. 5. t. 2. c. 5; yet certain parish priests dare not condemn this contrary custom, inasmuch as experience has taught them that midwives are not infrequently deceived by the devil; hence there is truly some danger to the soul on account of which irreverence should cease: and he adds that this custom was approved by the Roman Pastor published at Antwerp n 607, and holds that opinion. t. 13. R. 86. et ipse R. 35. cum aliis 2. censet eam probabilem, habereque locum in omnibus baptizatis ab haereticis, licet sint adulti; quod C. de 101. d. 2. rectè limitat ad illas circumspectas conditiones, in quibus prudenter dubitari possit de defectu

materiae vel formae vel intentionis.

Finally, also sect. 6 teaches that the aforementioned infants can almost all be rebaptized under condition. It is asked. I. Denique etiam sectio sexta docet, infantes supradictos ferè omnes rebaptizari posse sub conditione. Whether infants to be rebaptized should be baptized by midwives or laypeople? Others affirm, as Sylvestris, III, p., q. 66, art. 9, and Faroacquesius, and the Mechlinian and Ipernican Synods according to Concinus, p. 184, n. 9. Others, however, like Tournely in tom. 4, p. 413, with the Synods of Ebroice, Rothomage, etc., hold that these are always to be rebaptized under the condition that nevertheless there are at least two credible witnesses to Baptism conferred ritually.

But the most common and true opinion teaches that such children should be rebaptized only at the time when there is a probable suspicion of error in the given Baptism; thus Bus., as above, III, sect. 6. Concilium, loco citato, de legibus naturae et regulis 5., num. 145., num. 7. cum capite 6., num. 60. cum Bonaventura. And thus the Sacred Congregation judged (as reported by P. Zacharia ap. Croix l. 6. p. 1. n. 323.) saying that children baptized at home should not be rebaptized unless there is a probable doubt regarding invalidity. On the other hand, it must be said that if the parish priest constantly discovers through examination that the midwife, whether a layperson, has properly baptized them, as the aforementioned authors AA. state, with whom Estius agrees in part 4. Dist. 4., § 15, with Soto, Petrus de Palude, and Sylo, where it is said that they are not to be baptized when the midwife, questioned, testifies that she has fulfilled the entire mystery properly.

This is confirmed by St. Charles, who says: "If, after careful investigation, (the parish priest) has found that the form of baptism has been observed in the child, let him absolutely refrain from administering this form of baptism under any condition." The same is also said in the Catechism, where it states: "That form of Baptism (namely, conditional) from Alexander." By the authority of the Pope, permission is granted in those cases only, regarding which, after diligent inquiry, doubt remains whether Baptism has been properly received; otherwise, it is never permissible, even with reservation, to administer Baptism again to anyone. However it must be noted that, after the fact has been diligently inquired into, if doubt remains whether they have properly received Baptism, permission is granted by the authority of the Pope to administer Baptism again; otherwise never is it lawful, even with addition, to administer Baptism a second time to someone. VI. TRACT.

Two. ON BAPTISM. AND CONFIRM. CAP. I. Concerning him who has

privately been baptized, it is necessary that the usual ceremonies and rites be supplied in the Church, as n. 60 says in the Common from the Ritual. Roman. Note 2. That since Baptism must be repeated, I think that according to Croix l. 6, p. 1, n. 3a5, etc., the order described in no. 117 must absolutely be observed, whatever anyone may say.

However, it can be given anywhere, provided that the solemnities have already been performed in the Church, as some say according to Croix l.c. Notandum 3. According to Croix n. 3a3., in the collation of such Baptism, a Confession is not to be preceded, but it suffices to precede sorrow for sins. 137. — Quæritur II. Whether children baptized by Heretics should be rebaptized? It is certain by faith from 7. Can. 4. vali-dum esse Baptismum collatum ab Hæreticis, quando omnia re- quisita ad Sacramentum adhibentur. Translation:

May it be valid that Baptism received from Heretics be considered valid, when all that is requisite for the Sacrament is observed? But they think that l. 6, p. 1, n. 3a2 holds that all baptized children by Preachers should be rebaptized (and Sylvius says precisely the same thing about those baptized by Angles, and about all those baptized by Lutherans and Calvinists), because there is reason to doubt easily the matter, form, and intention of such ministers, since they do not judge this Sacrament absolutely necessary; for which reason they care little about the necessary requisites; some use rose-water instead of water: others divide matter from form so that one speaks the words while another pours the water, and others pour water only on their clothes. And thus, since so many reasons for doubting the validity of such Baptisms abound, properly speaking, we say that they are to be repeated under condition. Otherwise, the Sacred Congregation (as P. Zachar relates: from Croix l. 6. p. 1. n. 3a2.) considered that children baptized by Heretics are not to be rebaptized except in such a place where Preachers do not observe what is required by the Catholic Church for the validity of the Sacrament. « 3. The minister gravely sins, 1. who does not rebaptize him from whom a reasonable doubt remains whether he has been validly baptized; because one is bound to free one's neighbor from a probable peril of grave evil when it can easily be done. C. Quintus, lib. cit., cap. 2. Si non diligentissime inquiret circa talis baptismi valorem, nisi de hoc aliud constet.

Quintan. 1. 1. sect. 6 et 7. « 4. He is not to be rebaptized, whose Baptism is attested by the testimony of one ocular witness, albeit a female: provided that she is not suspected, and nothing else prevents it. c. 5. He who truly and rationally doubts about his own baptism is bound to seek baptism again, and the parish priest shall administer it to him. Quintan. l. c. sect. 13 et 19. et interim abstinere a usu aliorum Sacramentorum. Resp. 2.

Baptism must be conferred under this condition in this form: If you have already been baptized, I do not baptize you; if you have not yet been baptized, I baptize you, in the name, etc. Although it suffices to append the condition merely mentally, provided that there is no fear of scandal from omission: nevertheless, it is more proper to express at least these words: If you have not yet been baptized, etc. See . 2. c. 19. c. 31. » Fill t. 2 c. 4 q. q. Patrinus autem in hoc Baptismo necessarius non est, nec adhibendus.

Five. I. c. sect. 18. 138. — Concerning the completion of this point, it is sought I. c. sect. 18. What are the effects of the Sacrament of Baptism? Resp. What are the effects of the Sacrament of Baptism? I.

The effect of remission is that of all original and actual sin committed before Baptism, as stated in the Catechism and §. 5. Deus nihilo in renatis odit. Tamen in his remanet fomes peccati qui non est peccatum; et si ei resistitur, gratia Iesu Christi proficiet ad coronam. II. The effect of the remission is the removal of all punishments due for sins. Thus it is said: That nothing at all may be removed from them upon their entrance into heaven.

See note 23. III. It is the largitio divinae gratiae, qua filii Dei et haeredes effecium, ut ex c. 7. IV. Impression of character. V.

That he may be made a member of the Church by baptism and subject himself to its authority. 139. — It is asked II. What disposition is required in him who receives Baptism? Respone. Christus et Ecclesia suppleant voluntatem eorum infantium. It is certain from c. 13 where it is explained that infants are baptized for mere Church faith alone, even though they do not personally believe in any act of their own. In adultis autem requiritur intentio saltem habitualis, id est habitata et non retractata. n. 40. cum Con. v. certum. Here is brought forth the I.

To confer baptism validly, even though it may be received through a grave fear; but otherwise, if it is received through sheer force, with the mind entirely refusing; as n. 42 from Toledo 4, c. 56. Henceforth it is stated II. Even valid Baptism is conferred upon a sleeping or insane person who previously sought baptism. . 43. However, it is observed there; and then it is sufficient if previously that person has supplied sufficient indications of desiring Baptism, which indications are also sufficient for presuming due repentance from sins to have been present, unless it be established that the recipient fell into mental incapacity after death. In dubio autem de petitione, Baptismus est conferendus sub conditione. n. 45. cum Bon. v.

Either one.

Fides et poenitentia quoque requiruntur in adulto ad licite recipiendum Baptismum. As regards faith, it is required that one know the Sacraments (at least baptism, eucharist, and penance), the Decalogue at least in a crude manner, and the Lord's Prayer; beyond these four things necessary for knowledge are the existence of God, God to be a rewarder, the Trinity, and the Incarnation and Passion of D.N. Jesus Christ. In autem periculo mortis urgenti, sufficit scire haec quatuor ultima, ut bene dicunt c. 6. n. 50. As regards the required penance, they hold that contrition is necessary, say Naos and others. But more accurately, p. 103, no. 28. Session 2. conclusion 2.

Dog and with Val. Soto, 30 a LIB. IV. - TREATISE. II. ON BAPTISM. AND CONFIRM.

CHAPTER I RIBUS, TENTENT SUFFICERE ATTRITIONEM, QUIN Sit CARITATE FORMATA; IDQUE EXPRESSÉ DOCUIT P. Q. 79. ART. 3. AD 2., UBI DOCET QUOD « NON INCONVENIENTER (HOMO) ACCEDIT AD BAPTISMA, QUI HABET CONSCIENTIAM PECCATI MORTALIS. Certainly, if contrition were required, this person could not approach Baptism with the conscience of a mortal sin; for the Holy Doctor himself taught elsewhere (suppl. quest. 3, art. 3) that "even though the sorrow be small, provided it suffice for contrition, it erases all stain." » Therefore, if he should approach with any slight contrition, he would undoubtedly approach without sin. But he expressed this more clearly in 4. D. 6. q. 1. a. 3. ad 5. ubi dicit: « Ad hoc ut homo se præparet ad gratiam in Baptismo perci- piendam, præexigitur fides, sed non caritas, quia sufficit atritio praecedens, etsi non sit contritio. » "I know not what answer the Adversaries may make if they wish to say that S. Thomas held a different opinion from ours."

Now whether some inchoated charity is required in the one receiving Baptism? See what is said concerning penance, n. 437. ## DUBIUM V. ## OF THE CEREMONIES OF BAPTISM. ## ARTICLE I. ## What must be observed regarding the ceremonies of baptizing. 140. What must be observed as regards the ceremonies in Baptism? — 141. Is it a mortal sin to be baptized without the anointing of chrism and consecrated water? — 142. Is it illicit to baptize outside the Church? And when is it permitted? Is it to be omitted the ceremonies in the private baptism? And the godfather? — 144.

After the private baptism has been conferred, are the ceremonies to be

supplied? What if the Baptism should have been invalid? — 145. What is to be noted regarding the name to be imposed in baptism and the book of baptisms? 140. — « RESP. The ceremonies sought for the Baptism are from the diocese of each church. However, in regard to these, the following sequence is to be observed universally. I.

Baptism can be conferred without necessity and without sin only in consecrated water. When it is lacking, a brief formula in which certain temporal Agendis is used instead for consecrating in case of necessity. That if even this formula should fail, blessed common water may be used. II. Baptism solemnis non conferendum, nisi in templo, et in loco ad id deputato; nisi filiis Regum et Principum, quibus adde filios catholicorum in locis haereticis: interim quoad hoc in magnatibus et nobilibus committere tur in multis locis. n. 8. » (See what was said in note 118.

Not. III.) » III. Infants according to custom are to be deferred for Baptism around the eighth day, unless there is necessity beforehand, or unless there is a grave cause for delay, such as because they are expected by their parents, in which case it is not permitted commonly outside of necessity privately to baptize them and then subsequently to apply solemnities; but it is preferable to wait for some time. n. 8. ˚ (See also the aforementioned number 118. Not. II.) ˚ 141. — Mortale est negligere cæremonias Baptismi aut aliquam ex eis notabilem, ut omnes communiter cum n. 164. Cross l. 6. p. 1. n. 339.

Herefore to be noted I. Isolated by necessity, it is a mortal sin to be baptized without unction. Of chrism, as Eibel p. 44. n. 80. . with c. 22. n. 74. If necessary isolation, it is mortal to be baptized without chrism. Baptismus n. 15. 1. art. 7. n. 1. et n. 20. cum D. 4. ubi damnatur de mortali: « Si quis de alio chrismate quàm de illo (scilicet novo) » baptizare, nisi præoccupante morte, tentaverti: » Idque con- firmat Rituale Rom. (de Sacram. Bapt.) saying: "With respect to old oils, unless necessity compel, they should not be used beyond a year; and if it appears that blessed oil or holy chrism cannot be had, then unduly blessed oil from olives should not be added, but rather in lesser quantity."

What if the year is completed and the Pastor has not received the new Oil? At Croix l. 6. p. 1. num. 342. Marsilius advises that one be baptized with the aforementioned preliminaries, and afterward he completes the anointings. Gobatus vero dicit Baptismum possedifferi, nisi adsit mortis periculum; imo addit, quod si in aliqua Diæcesi adsit usus, poterit Pastor veteribus oleis uti. But Sporer thinks that infants can always be baptized in old chrism, because they are constantly in danger of death; for it is stated in the Catechism n. 34 that baptism should not be withheld from children,

since "especially on account of their age-infancy, infinite perils of almost all life hang over them." I feel it necessary to distinguish: if new oil were expected for a notable time, say ten or eleven days (according to what is stated in no. 118).

Note 2. Then baptism may lawfully be conferred without unctions, and afterwards the unctions may be supplied; because such a delay is sufficiently just a cause that baptism can be administered without them. Otherwise, if the oil can easily be obtained within the aforementioned days: for then I think that Baptism cannot be separated from unctions without necessity, or at least without a grave cause; for unctions should concomitantly be used with Baptism according to a grave precept, unless perhaps they have already been used before, as many believe. See the aforementioned number 144. v. But this. 142. — Note II. It is also mortal to baptize without necessity outside the Church; as stated in section 2, number 16, paragraph 31, and Croix number 334 with Gob. Receive nevertheless 1.

If there is doubt concerning the death of an infant, it seems that if the child be born without a cry, or if the woman have difficulty in giving birth, or if the child leap forth before seven months; then, according to Croix n. 335, it may be baptized privately at home, as Excipe says 2. If an infant cannot be brought to the Church without risk of infamy to its parents or some other serious harm; in such a case Croix n. 336, with Gob. and Jordan, considers that it can be baptized at home privately if the seventh month has been completed, because then presumption is reckoned for the use of reason. Others, however, as L. c. Sotus in 4. D. 5. art. 10. dub. 2. c. Croix n. 366. cum Candido et ap. Lugo dub. 4. n. 2. say that a boy can be baptized even before completing his seventh year, since in a doubt one must decide in favor of faith; similarly . 25. sect. 3. holds this view, although here it advises waiting until the perfect use of reason is attained. However, better is what S. P. and Lugo teach in their Law, chapter, note 2: that in doubt concerning reason before the seventh year, baptism should altogether be deferred for a child petitioning, until it is certain 'from the perfect use of its own reason; but they wisely add that then it should altogether be taken away from the parents, and kept in a safe place.

The rule that in a doubt the condition of parents possessing power over the son is preferable does not prevent this case; for the pontiff rightly responds to Lugo that this rule proceeds from similar circumstances: but in our case it is more fitting to consider the cause of the son, since here we are dealing with a minor deprivation of parental authority, namely that they be deprived of their power for a brief time; whereas on the other hand we are

speaking about the greatest harm to the son, namely his eternal death: hence another rule rather urges us in this case, namely that in doubt one should favor the innocent rather than the guilty. It is certain that I can and ought to baptize my child if she herself be in danger of death. Thus commonly all the Doctors cited with St. Pius commonly hold. XIV. n. 7. qui de hoc affert duo decreta S. C. Dicunt autem n. 33. quod ad hanc prolem baptizandam requiritur, ut moraliter de ipsius vita desperetur; sed meliùs loquuntur Busemb, ut supra, Antoine q. 13. et Croix n. 305. Sporer n. 53. dicit prolem esse baptizandam quandocumque imminet periculum certum sive proximum de sua morte. 130. — Certum est V., quod si filius infidelium justè vel in-justè sit positus extra curam parentum, nec sit timor quòd ad eos sit reversurus, tunc bene potest baptizari. Thus commonly Juvenin. tom. 7. p. 174. p. 176. n. 10. Natal, reg. 5.

Sporer number 63. 3. note 51. note 32. and 34. note 10. with Soto, Vasquez. Axor. and elsewhere. The same is taught by the Council. L. c. et N. SS. P. when and this is from chapter 1 of De Infantibus et Languidis expos., where it is said: "If exposed by the father or by another, knowing itself (and having relegated the duty of piety), the infant was placed," this itself was freed from the power of the father. The same is said, namely concerning the children of infidels perpetually insane, as it is taught in nos. 10 and nos. 15.

Anacl. p. 545. n. 10. Psalm n. 37. Sporer n. 55. Reason, because then the danger of perversion ceases, and at that time children would not be withdrawn from the power of parents, who themselves have no power over matters, since they are incapable of direction. It is certain VI. that children captured in war from unbelievers can be baptized well against the will of their parents; thus Gonet p. 103. Junin. p. 174. 2. art. 6. num. 3. et N. Bened.

XIV. n. 7. cum Lap. quia lege belli captivi non amplius ad parentes, sed ad Dominos pertinent. It is certain VII. that even licitely the offspring of infidels may be baptized, since they are the property of Christians, as Antoine says in q. 13. Nat. 2. nu. 18. Wigandt Example 5, number 62. Eibel n. 52. Cross n. 300.

Reason, because the Lord, since they have dominion over parents, also have dominion over their children. 131. — It is certain VIII., that if one parent consents while the other resists, the child is baptized well, as Bus. supra, Petrocor. tom. 4. pag. 191. Tournely. l. cc. cum ... 52. et N. Bened. XIV. n. 15. ex Concilii . Canon. 62. in capite Judæi 28. qu. 1. et capitulum Ex litteris 3. I extract from the Conversion of the Infidel. And likewise it must be said, if the dead Father and paternal Grandfather consent to the

Baptism of the child, while the Mother opposes, as Tournely says in that place with Sylvius and Nao, and P. according to the authority of Gregory. XIII. 132. — But there is doubt I.

Whether, when both parents are unfaithful and dissenting, their children who lack the use of reason can be baptized? Resp. Duduunt autem possint baptizari filii eorum usus rationis carentes, utroque parente infidei reluciente. If the children are to remain under the authority of their parents, in no way is it permissible to baptize them, as decreed by S. C. S. P. The doubt therefore turns: if such a danger does not exist, namely, if the children are removed from the authority of their parents. The first opinion more commonly negates this, and this is held by D. Thomas II-II, q. 10, art. 12, those who follow whom are found in Gonet tom. 6, p. 102. Concisely paragraph 172 note 2. W'igandt n. 62.

Nat. ; item Tournely in praelect. Theol. tom. 7. p. 154. n. 20. Juvenal tom. 7. p. 173. Petri Tommasi Opera tom. 3. p. 191. Antoine question 13. Response from R. Cross, book 6, page 1, note 298, note 10.

Roncaglia question 2. Reason why the subtraction of children from parental power would be handed over to their injury, since they themselves have a natural right over the children. The second opinion, however, which Scotus holds in 4th distinction, 4th question, n. 2, whom follow pp. 209 and 30 with Mastri, Bossuet, Henryk, and other Scots commonly; also n. 14 and p. 4 of the 260 pages, considers Estius probable in book 4. Dubium 6. §. 2. censet licitum esse hujusmodi filios baptizare, saltem auctoritate publica, et ex consensu Principis. Hæc sententia per se loquendo non videtur sua probabilitate carere; interveniente enim periculo salutis æternæ filiorum, parentes non habent jus in eos; et congruent potest eripi filius à pa- rentibus, ne ipsi inferant ei mortem corporis: tantò magis eripi valet, ut à morte animae liberetur. I said per se loquendo; for when the circumstances are considered, this judgment seems scarcely capable of being carried out in practice on account of the graver evils which would accompany such baptisms. And therefore the Church, as it testifies.

Furthermore, it must be noted that concerning the children of Hebrews, there is a Constitutions of Julius III (reported by Pignatello in tom. 4, consult. 192, and N. P.), which imposed suspension and a penalty of one thousand ducats upon baptizing the children of Hebrews, against the will of the reluctant parents. And this was confirmed by the Sacred Congregation on the day 16th of July in the year 1630 (as stated in the same source), decreeing that no manner of baptizing should be performed upon the children of Hebrews without their consent until they arrive at legitimate age. Nam et si pater Iudaeus filium suum offerat ad Baptismum,

ut liberetur a morbo? N. brings forward the Decree of the Congregation of Sacred Offices issued on September 24, 1609, by which it was decreed that he should be baptized. But, as we have said above, after such a boy has been baptized, he should be taken away from his parents, that he may be educated Christianly. 133. — Dubitatur II. Is it licit to sell unbaptized children to unbelieving parents?

He denies the third distinction number five because that seems to be against Christian charity; but more commonly and sufficiently prob- ably they affirm in section six, note ten, at the end of chapter fifteen. Furthermore, 6 and 20 from note 17 and page 6, number 14, with Henry and others. Reason, because per se it is not intrinsically evil to restore children to parents; and on the contrary it seems that there is no obligation to provide for and educate such children without any utility, since charity obliges only to so much as when children are in extreme necessity. But to this reason I do not altogether assent; rather seems the reason of common peace to be better observed, because if they should absolutely refuse captives who are seeking their children, a damage would arise, which even themselves would not restore as Christians, with great peril through conversion; more fittingly does it belong to the Church to take care that its faithful keep the faith, rather than to lead infidels to faith. Here is tested . l. c. with 134. — "Quæres." Is baptism sometimes able to be repeated, and "in what form?" Respondo.

When to rebaptize temerarily is a mortal sin on account of the object, which belongs in the genus of sacrilege, while you strive to administer the Sacrament to one who is incapable; hence, for this reason that it not be permissible to rebaptize, certainty about Baptism is not required, but suffices if there are conjectures regarding it, such as when someone has been born and brought up among the faithful, and no arguments of any weight arise on the contrary part; for a light or metaphysical doubt does not suffice, but what is required is a grave and moral one, or at least reasonable. In quo inclinant dum esse in favorem baptizandi, rectè monet n. 3 et 4 ex. ON THE SUBJECT OF BAPTISM. DUB. IV. ART. II.

In such doubts attention must be given to the common rule received by the Doctors, which again requires that for the purpose of administering Baptism a prudent or reasonable doubt be entertained as to whether the Sacrament was or was not validly received; thus 22. sect. 2. v. But you will ask. No. 4. No. 55. Bonac. D. 1. qu. 2. p. 1. n. 36. . 13. n. 3. When with Con. Value and commonality.

But a doubt may arise either as to law or as to fact. When there is doubt regarding law, namely when someone has been baptized with doubtful

matter, form, or intention, then certainly Baptism must be repeated under condition, as commonly taught c. and by St. Thomas in question 66, article 4, ad 4 (see the aforementioned note 27). Doubt of fact occurs when one doubts whether a valid baptism was actually conferred or not; and if the doubt is negative, that is, because there are no indications that a person has been baptized, then without hesitation he must be baptized under condition, as correctly stated c. ex cap. Therefore, concerning where St. Leo teaches this, he says: "It cannot come to the crime of repetition, when it is completely unknown whether the fact occurred or not." And in the subsequent chapter question 3. The same Pontiff gives a reason for this: «Because temerity does not intervene in presumption where there is diligence of piety.» » When however a doubt of fact is positive, even Baptism must be repeated when on both sides there are apparent non-trivial conjectures which make the matter doubtful, wherefore in the Council. Carthag.

V. related in c. Placuit q1. said. D. 4. Thus it is said: "Whenever certain witnesses cannot be found who without doubt would testify that they had been baptized... they should be baptized without any scruple." Here however it is to be noted I. with C. N. 144. N. 62. with . C. P. n. 8.) cum Gossia in d. c. Cum itaque; in c. Nuper. de Testib. accommuni, ad id sufficere unum testem ocularem fide dignum. And this even if the witness is a woman, as noted II., that baptized are not to be, neither under condition, adults who have been born of Christian parents and educated among faithful ones, although there is no accepted testimony of Baptism received, as expressed in c. Veniens 3., from which it is said: "And certainly he who has been faithfully conversed among Christians, being born of Christian parents and among Christians," is presumptuously thought to have been baptized, so that this presumption should be held for certain until perhaps the most evident arguments prove otherwise. This however is to be understood thus: Provided that there do not arise grave reasons contrary thereto, as well advert to Bus., supra, and n. 4, who says this: "Nevertheless, I think it sometimes advisable even for an adult, who has been educated among the faithful, to confer Baptism under condition, if such conjectures are present (for instance, because he was born of parents suspected of witchcraft, is very much beset by the Devil, and cannot be known in any way where or by whom he was baptized), so that this presumption of received Baptism may be removed and the contrary rendered more probable."

» Refers however P. Zacharia in Adnot. ad Croix 1. 6. p. 1. n. 3to. as having held that the Sacred Congregation considered it necessary to baptize a certain woman under some condition, namely because no vestige of baptism or of the marriage of her parents could be found. Note III, quod

si infans aliquis arreptus sit ab barbaris, et dubitetur, an captus fuerit ante vel post Baptismum, tunc omnino baptizandus est sub conditione, ut cum communi dicunt 13. n. 8. et alii, ex c. Paroulos. D. 4. de Confessione, ubi Gregorius. He explicitly defined it on the eighth day. 135. — “1.” Under the condition of being baptized are: 1. those who with doubtful matter and form or intention (according to what was previously stated) have been baptized; 2. Infants exposed, and found without a certificate testifying to the Baptism; in like manner if they were with it.

Thus commonly it is contended in sections 13 and 14 that these too are to be baptized. Baptized by midwives with malice; especially if they have ever been found or convicted of having baptized improperly. Note 3. It is asked whether infants exposed to danger are to be baptized? If these are exposed without a schedule, without doubt they are to be baptized, unless it otherwise appears that they were rightly baptized, as Busen and n. 57 with others commonly say. It is questioned whether infants exposed with a schedule should be baptized? The first opinion denies this, which Busemb. hold as stated above and in number 5 of Laudans, and Bonaventura holds because that moral testimony introduces certainty, when it cannot be rationally believed by parents who are presumed to be Catholic, that they wish to deprive their offspring of so sacred a Sacrament.

The second opinion, however, is more probable and more common among the Later Authorities, teaching that all these should be baptized under the condition that moral certainty is not obtained regarding the Baptism conferred and properly conferred; otherwise, a prudent doubt would always remain concerning its value. Thus Petrocor. to. 3. p. 211. q. 11. n. 147. q. 5. Response 2. Nat. reg. 6. n. 10. Elbed to. 3. p. 46. n. 64. Croix n. 318, cum Quintana d. 4. p. 412. cum Sylvestre et Heno, ac Sporer q. 196. n. 72. cum Marchant. et Synodis Camaracensi, Narbonensi, Aquensi, et Tolosana, idemque sentit Noster 8. n. 8., qui affert Concilium Mediolanense sic statuens: « Expositus infantis, licet appensus collo scriptum habeat, quo ille baptizatus significetur; si tamen re diligenter perquisita, quomodo expressum est in Catechismo Romano, adhuc dubium sit, eum baptizatum esse, sub conditione baptizetur. »

"Item, the Declaration of the Sacred Congregation of the Council is affirmed on the fifteenth day." January 1724, where it was said that such exposed infants, even when presented with a schedule concerning baptism, are to be considered under the condition of being baptized, although they are in the age of one year and a half. And this seems to be indeed according to the mind of the Ritualis Rom., where it is said: «Infantes expositi et inventi, » if diligently investigated and it does not appear concerning their Baptism, they are to be baptized under the condition that

they be baptized. The Sacred Congregation excepted, however, from Baptism sub conditione those schedules which had certainty, according to another instruction given, 136. — « 2. Infants delivered by midwives, or parents, or kinsmen, etc., out of necessity baptized, all promiscuously rebaptized under condition of baptism (when midwives are considered good and well instructed) is not permitted, because it cannot be doubted prudently and rationally about the value of Baptism. Nevertheless, certain parish priests dare not condemn this contrary custom, inasmuch as experience has taught them that midwives were not infrequently deceived by the devil; hence there really is some danger to the soul on account of which irreverence should cease: he also adds that this custom was approved by the Roman Pastor published at Antwerp in 1607, and holds that opinion, Sylo, among the works cited. R. 86. and he himself, book 6.

R. 35. cum aliis 2. censet eam probabilem, habereque locum in omnibus baptizatis ab haereticis, licet sint adulescentes; quod C. de 181. d. 2. rectè limitat ad illas circumstantias, in quibus prudenter dubitari possit de defectu materiae, formae vel intentionis. Finally, moreover, sectio 6. teaches that infants mentioned above can be almost certainly rebaptized under the condition. It is asked. I. Denique etiam sectio sexta docet, infantes supradictos ferè omnes rebaptizari posse sub conditione. Whether infants to be rebaptized should be baptized by midwives or laypeople? Others affirm, as Sylvestris, III, p., q. 66, art. 9, and Faroacquesius, and the Synods of Mechlin and Ipernys at Concinna, p. 184, n. 9.

Others, however, like Tournely in tom. 4. p. 413, with the Synods of Ebroice, Rouen, etc., hold that these should always be rebaptized under the condition that nevertheless there are at least two worthy witnesses to Baptism properly conferred. But the most common and true opinion teaches that such children are baptized again only then, when there is a probable suspicion of error in the given Baptism; thus Bus., as above, III, sect. 6. Conc. I. c. Nat. reg. 5. n..... n. 145. n. 7. cum cum c. 6. n. 60. cum Bon. And thus the Saintly Council judged (as is reported by P. Zacharia ap. Croix l. 6. p. 1. n. 323.) saying that children baptized at home should not be rebaptized unless there is a probable doubt regarding invalidity.

On the other hand, it must be said that if the parish priest constantly discovers through examination that the midwife, whether a layperson, has properly baptized them, as the aforementioned authors AA. state, with whom Estius agrees in part 4. Distinction 4., § 15, with Soto, Petrus de Palude, and Sylo, where it is said that they are not to be baptized when the midwife, questioned, testifies that she has properly performed the entire mystery. This is confirmed by St. Charles, who says: "If, after careful investigation, (the parish priest) has found that the form of baptism has

been observed in the child, let him absolutely refrain from administering baptism under such a condition." The same is also said in the Catechism, where it is stated: "This form of Baptism (namely, conditional) from Alexander." By the authority of the Pope, permission is granted in those cases only, where, after diligent inquiry, doubt remains whether Baptism has been properly received; otherwise, it is never permissible, even with reservation, to administer Baptism a second time to someone. However, it is to be noted that, after the fact has been diligently inquired into, if doubt remains whether they have properly received Baptism, then permission is granted according to the authority of Pope Alexander; otherwise never is it lawful, even with adjunction, to administer Baptism a second time to someone.

VI. TREATISE. Two. ON BAPTISM. AND CONFIRM. CAP. I. He who has been baptized privately, should have the customary ceremonies and rites supplied in the Church, as they say in n. 60 from the Common Ritual.

Roman. Note 2. that, since Baptism is to be repeated, I think that according to Croix l. 6. p. 1. n. 325. etc., the order described in nu. 117 must absolutely be observed, whatever anyone may say. However, it can be given anywhere, if the solemnities have already been performed in the Church, as some say according to Croix l.c. Notandum 3. according to Croix n. 323. that in the collation of such Baptism, the Confession is not to be preceded, but it suffices to precede sorrow for sins. Question II. Whether children baptized by heretics should be rebaptized? It is certain by faith from 7. Can. 4. vali-dum esse Baptismum collatum ab Hæreticis, quando omnia re- quisita ad Sacramentum adhibentur.

Translation: May it be valid that Baptism received from Heretics be considered valid, when all that is requisite for the Sacrament is observed? But it is rightly thought by l. 6, p. 1, n. 322, that all those who have been baptized by Preachers should be rebaptized (and Sylvius says this precisely of those baptized by the English, and of all those baptized by Lutherans and Calvinists), at least under a condition, because there is reason to doubt easily about the matter, form, and intention of such ministers, since they do not judge this Sacrament absolutely necessary; for which reason they care little about the requisites necessary; some using rose-water instead of water: others dividing matter from form so that one speaks the words while another pours the water, and others only pouring water on their clothes. And thus, since so many reasons for doubting the value of such Baptisms abound, we properly say, speaking ordinarily, that they are to be repeated under condition. Otherwise, the Sacred Congregation (as reported by P. Zacharia according to Croix l. 6. p. 1. n. 322) considered that children baptized by Heretics are not to be rebaptized, except in such a

place where Preachers do not observe what is required by the Catholic Church for the validity of the Sacrament. « 3.

The minister sins gravely who does not rebaptize him from whom remains a reasonable doubt either in law or fact whether he has been validly baptized; because one is bound to free one's neighbor from a probable peril of grave evil when it can easily be done. C. Quint. l. c. 2. Si non diligenter inquiret in talis Baptismi valorem, nisi de hoc aliunde constet. sect. 6 et 7. « 4. He is not to be rebaptized, whose baptism is attested by the testimony of a single eyewitness, although she be a woman: provided that she not be suspected, and nothing else hinder. . c. 5. He who truly and rationally doubts about his own baptism is bound to ask for baptism, and the parish priest is to confer it upon him. Quintan. l. c. sect. 13 et 19. et interim abstinere a usu aliorum Sacramentorum. Resp. 2. Baptism must be conferred under this condition in this form: If you have already been baptized, I do not baptize you; if you have not yet been baptized, I baptize you, in the name, etc. And although it suffices to append the condition merely mentally, provided that there is no fear of scandal from omission: nevertheless, it is safer to express at least these words: If you have not yet been baptized, etc. See above, chapter 19, canon 31.

Fillius tertii libri secundi quaestionis nonae. The godfather, however, is not necessary in this baptism, nor is he to be employed. Quint. I. c. sect. 18. 138. — Concerning the completion of this point, it is sought I. c. sect. 18. What are the effects of the Sacrament of Baptism?

Resp. What are the effects of the Sacrament of Baptism? I. The effect of remission is that of all original and actual sins committed before Baptism, as stated in the Catechism and § 5. In re-natus nihilo odit Effectus est condonatio omnium poenarum pro peccatis debitarum. Thus at the place where: That nothing at all might hinder them from entering into heaven. See no. 23.

III. It is the bestowal of divine grace whereby we are made sons of God and heirs, as stated in chapter seven. IV. Impression of character. V. That he may be made a member of the Church by baptism and subject himself to its authority. 139. — Question II.

What disposition is required in the one receiving Baptism? Respone. Christus et Ecclesia suppleant voluntatem eorum infantium. It is certain from c. 13 where it is explained that parvuli are baptized in the faith of the Church alone, although they do not personally believe by their own act. In adultis autem requiritur intentio saltem habitualis, id est habitata et

non retractata. n. 40. cum Con. v. certum. Here is brought forth the I. To confer baptism validly, even though it may be received through a grave fear; but otherwise, if it is received through sheer force, with the mind entirely refusing; as n. 42 from Toledo 4 chapter 56 states II.

Even valid is Baptism conferred upon a sleeping person or one who is insane, provided that previously he had sufficiency of understanding. . 43. However, ibidem observat; et tunc sufficit, si praecedens antequam susciperet Baptismum valide, praestiterit indicia sufficientium voluntatis Baptismi, quae indicia sufficiunt etiam ad presumendum debitam poenitentiam habitam de peccatis, nisi constet susceptorem post mortale in amentiam incidisse. Undoubtedly concerning the petition, baptism is to be conferred under the condition. n. 45. cum Bon. v. Either one. Even in an adult, faith and penance are required for lawful reception of Baptism. As regards faith, it is required that one know the Sacraments (at least baptism, eucharist, and penance), the Decalogue at least in a crude manner, and the Lord's Prayer; beyond these four things necessary for knowledge are the existence of God, God to be a rewarder, the Trinity, and the Incarnation and Passion of D.N. Jesus Christ.

In autem periculo mortis urgenti, sufficit scire haec quatuor ultima, ut bene dicunt c. 6. n. 50. As regards the required penance, they hold that contrition is necessary, Nao and others. But more accurately, p. 103, no. 28. Session 2. conclusion 2. Dog and with Val. Soto, Henr.

Gran. and others, lib. 302. IV.-TREATISE. II. ON BAPTISM. AND CONFIRM. CAP. I. RIBUS, TENTENT SUFFICERE ATTRITIONEM, QUIN Sit CARITATE FORMATA; IDQUE EXPRESSÉ DOCUIT P. Q. 79. ART. 3. AD 2., UBI DOCET QUOD « NON INCONVENIENTER (HOMO) ACCEDIT AD BAPTISMA, QUI HABET CONSCIENTIAM PECCATI MORTALIS.

Certainly, if contrition were required, this person could not approach Baptism with the conscience of a mortal sin, for the Holy Doctor himself taught elsewhere (suppl. Question 3, art. 3) that "even though the sorrow may be small, so long as it suffices for contrition, it erases all guilt." » Therefore, if he were to approach with any slight contrition, he would undoubtedly approach without sin. But he expressed this more clearly in 4. D. 6. q. 1. a. 3. ad 5. ubi dicit: « Ad hoc ut homo se præparet ad gratiam in Baptismo perci- piendam, præexigitur fides, sed non caritas, quia sufficit atritio praecedens, etsi non sit contritio. » I know not what answer the Adversaries may make if they wish to say that S. Thomas held a different opinion from ours regarding this matter. Now whether some inchoated charity is required in the one receiving Baptism? See what is said concerning penance n. 437. ## DUBIUM V. ## OF THE CEREMONIES OF

BAPTISM. ## ARTICLE I. ## What to be observed regarding the ceremonies of baptism. 140.

What must be observed as regards the ceremonies in baptism? — 141. Is it a mortal sin to be baptized without the anointing of chrism and consecrated water? — 142. Is it illicit to baptize outside the Church? And when is it permitted? Is it to be omitted the ceremony of baptism privately? And is the godfather to be omitted? — 144. Is it necessary to supplement the ceremonies after privately administered baptism?

What if the Baptism should have been invalid? — 145. What is to be noted regarding the name to be imposed in baptism and the book of baptisms? 140. — « Resp. The ceremonies petitioned for Baptism are from the agency of whoseever Church it is. However, in regard to these, the following sequence is to be observed universally. I. Baptism can be conferred without necessity and without sin only in consecrated water.

When it is lacking, a brief formula in which certain temporal Agendis is used instead for consecrating in case of necessity. And if even this formula should be lacking, blessed common water may nevertheless be employed. II. Baptism solemnis non conferendum, nisi in templo, et in loco ad id deputato; nisi filiis Regum et Principum, quibus adderent filios catholicorum in locis haeresicis: interim quoad hoc connivetur in multis locis. n. 8. » (See what was said in note 118. Not.

III.) III. Infants are customarily to be deferred to Baptism about the eighth day, unless there is necessity beforehand, or unless there is a grave cause for delay, such as because they are expected by their parents, in which nevertheless it is not permitted commonly outside of necessity privately to baptize and then subsequently to apply solemnities; but it is better to wait for some time. n. 8. ˚ (See what was said number 118. Not. II.) ˚ 141. — Mortale est negligere aëremonias Baptismi aut aliquam ex eis notabilem, ut omnes communiter cum n. 164. Cross l. 6. p. 1. n. 339. Herefore to be noted I.

Isolated by necessity, it is a mortal sin to be baptized without unction. Of chrism, as in no. 80. 44. §. with c. 22. no. 74. If necessary isolation, it is mortal to be baptized without chrism. Baptism n. 15. 1. art. 7. n. 1. et n. 20. cum D. 4. ubi damnatur de mortali: « Si quis de alio chrismate quàm de illo (scilicet novo) » baptizare, nisi præoccupante morte, tentaverit: » Idque con- firmat Rituale Rom. (de Sacram. Baptismus dicit: « Veteribus oleis nisi necessitas cogat ultra annum non utatur; ac si deficere videantur et Chrisma aut oleum benedictum haberi non possit, aliud oleum de olivis

non benedictum adjicatur, sed in minori quantitate. » What if the year is completed and the Pastor has not received the new Oil?

At Croix l. 6. p. 1. num. 342. Marsilius advises that one be baptized with other preliminaries having been presented first, and afterwards he completes the anointings. Gobatus vero dicit Baptismum possedifferi, nisi adsit mortis periculum; imo addit, quod si in aliqua Diæcesi adsit usus, poterit Pastor veteribus oleis uti. But Sporer thinks that infants can always be baptized in the old chrism, because they are constantly in danger of death; for it is stated in the Catechism n. 34 that baptism should not be withheld from children, since "especially on account of their age-infancy, infinite perils of death hang over them." I feel it necessary to distinguish: if new oil were expected for a notable time, say ten or eleven days (according to what is stated in no. 118). Note 2. Then baptism may lawfully be conferred without unctions, and afterwards unctions may be supplied; because such a delay is a sufficiently just cause that baptism can be administered without them.

Otherwise, if the oil can easily be obtained within the aforementioned days: for then I think that Baptism cannot be separated from unctions without necessity, or at least without a grave cause; for unctions should concomitantly be used with Baptism according to a grave precept, unless perhaps they have already been used before, as many believe. See what is said in number 144. v. But these. 142. — Note II. It is also mortal to baptize without necessity outside the Church; as stated in section 2, number 16, paragraph 31, and Croix number 334 with Gob. Receive nevertheless 1. If there is doubt concerning the death of an infant, it seems that if the child be born without crying, or if the mother have a difficult delivery, or if the child leap forth before seven months; then, according to Croix n. 335, it may be baptized privately at home, as Excipe says 2.

If an infant cannot be brought to the Church without risk of infamy to the parents or some other serious harm; in such a case Croix n. 336 considers it possible to administer Baptism at home according to Gob. and Jordan. 304 LIB. VI. TRACT. Two. ON BAPTISM. AND CONFIRM.

CHAPTER I to be made manifest. Receive. 3. If the child is a son of the King, or Not. III. 143. — "4." "Baptismists are not permitted to use any ceremonies at all, excepting others; because either in a solemn Baptism or in a private one, it would be prohibited by chapter 3; but in this alone does Clementina prohibit the use of those, unless he is a son of the King or Prince. (As has been said above shortly.) However, the use of godfathers still retains its place, so that it may also be used even though it is not necessary." And many think that by using it, one does not contract a

spiritual relationship nor truly become a godfather, as is stated in chapter 144, section 5

When Baptism without ceremonies is conferred out of necessity or for some other cause (for instance, on account of a grave reason such as just fear of infamy, it sometimes lawfully happens), when that occasion ceases, those solemnities are to be performed in the temples with great ceremony, (As stated by S. Th. 3.) p. q. 71. art. 3. ad 3. cum n. 18. et communi, ex c. 1. de Sacr. non iter. And these solemnities are to be supplied under a mortal penalty, as Croix says in lib. 6, p. 1, n. 340, note 10. But to omit in others, with secluded contempt, is only venial according to c. 6, n. 33; whereas he who holds that a child should be treated more paternally, while ceremonies are being supplanted, does not contract spiritual affinity with him, t. 4. R. 260. ex Pontio dicit esse probabile: Si Baptismus collatus deprehendatur fuisse invalidus, non ideo repetendae sunt caeremoniae. But this question is, as Palaus points out at point 12, n. 24 and n. 21, together with S. Antoninus and Reginald, that the ceremonies should be repeated when there is a scandal or infamy either of the baptizer, or of the baptized.

Reason, quia caeremoniae sunt accessoriae ad Baptismum, cum pertineant ad ejus ornatum; unde semper ac Baptismus con- fertur, debent illum concomitare. Others, however, more commonly with Busembach §31, sectio 6, v. n. 32, and Aversa, also n. 23, and Croix n. 341, consider it probable that they do not think repetitions necessary; for in cap. 1 de Sacr. iterand. it is said of those sacraments which imprint a character: "nothing is to be repeated but carefully supplemented what has been omitted rashly." Hence, since the ceremonies have already been used in an invalid baptism, there is no obligation to repeat them, because sufficient provision for the due worship of the sacrament is made by either preceding or following the ceremonies with the sacrament, as is found in the Roman Ritual. Wherefore the ceremonies both preceding and following Baptism are morally conjoined to it. Both opinions seem probable, but the first should be preferred as safer. 148. — Concerning the name imposed in Baptism, I. Croix notes in book 6, page 1, number 329, that one does not sin who does not impose the name of Saint; for it is not a precept to impose the name of Saint, but according to DE CÆREMONIIS BAPT. DOUBT. V.

ARTICLE II 305 only the admonition of St. Pius V and Paul V. The same thing says Croix against Vasquez: if the name of the Old Testament is imposed, for example, Adam, Objection, etc. But this is commonly used throughout our parts. He nevertheless warns Croix in the Catechism no. 3, that one should not readily consent to impose the name Ethnical upon a willing person. Notat II. Croix n. 330. quod, si dubitetur an infant sit vir

aut mulier et urgeat periculum mortis potest baptizari sine nomine

In Rit. Roman of the Sacrifice. Thus is it understood concerning obscene, fabulous, or ridiculous, and inane gods: "Let no impious and atheistic men impose such upon the saints," but rather, "as far as possible, let them be represented by holy ones," Noted III. Cross no. 331. whereas against Sotus and Sa, it is held licitly that a name imposed in Baptism can be privately altered by authority; since this is prohibited by no law: undoubtedly, however, it can be changed in Confirmation. Regarding however the book of Baptismal ministers, it should be noted that this faith is to be made in any tribunal, as Croix observes at the aforementioned place, page 1, number 345. The parish priest is diligently bound to note in the book the day and hour of the birth, the parents, and the godparents.

Item si Baptismus sit collatus sub conditione, vel sine caeremonia; item ubi infans repertus sit expositus. Thus in the Ritual ## ARTICLE II. ## Who are sponsors, and what is their office. 146. To what are sponsors bound? And what is required that a person may be a valid sponsor? — 147. When is a sponsor bound to instruct what has been undertaken? And whether a sponsor can be omitted in private baptism? — 148.

What act is required of godfathers, so as to counteract affinity? — 149. Does the one who receives or baptizes contravene the relationship of affinity in private baptism? — 150. Do parents who receive or baptize children incur an impediment to petition for a debt? — 151. Does one contract a relationship by receiving an infant into Baptism under a condition? — 152. Who receives one in error for another? — 153. Who contracts a relationship of kinship if one receives someone under the name of another? — 154.

Should patrons be designated for the purpose of contracting a relationship? — 155. Can two males or two females be appointed as co-patrini for its contraction? Dub. 1. Whether the godfather of a male should be a male, etc. Dub. 2. Does a sin designating two males, or two females? — 156. What is required that someone may lawfully be a sponsor?

They are repelled from this office 1. Religious. 2. Wives and parents. 3. Infames. 4. Apostates and Heretics. Whether, however, Catholics can receive infants baptized by a Heretic Heretically?

More than two. — 157. Can two spouses be sponsors of foreign offspring? — 158. See what have been cited from the ap. Busemb. — 159. When will the parish priest seriously sin regarding this matter? — 160. What should

the parish priest admonish after the giving of Baptism?

And notably lest Mothers lie down with infants. 146. — « Resp. 1. Patrini sunt quasi patres spiritualis, qui baptizatum de fonte suscipiunt in suam curam. Wherefore their office is to instruct the baptized in matters of faith, to teach the Lord's Prayer and the Creed, for which they are bound if this be not done by others. 5. 1. 2. c. 9. ˚ (Vide n. seq.) ˚ « Resp. 2. That one may be a valid sponsor, it is not necessary that he have a certain age, ˚ (As in number 29. cum. But Croix 1. 6. It requires at least seven years.) But it is required I.

» Use of reason. II. That he himself may have been baptized (for a man cannot be a father who himself is not born): and indeed, that his baptism may have been valid, because the accessory follows the principal. III. That he may have been designated by the parents, or by the priest designated for this purpose: it seems sufficient for this if he has even offered himself willingly; but the priest does not validly change those properly designated by the parents. ˚ (But note 12 says that the priest changes validly, and adheres to Croix number 362, because changing from a parishioner to a parent as a priest would be a greater sin, as Beda says.) Croix ibid.) ˚ t. 7.

R. 50. Fourth. That in very Baptism itself (because it is insufficient merely "in the ceremonies themselves" to touch, hold, or receive from the hand of the baptizer. They say that receiving refers if Baptism is by immersion: but Croix n. 363 says with Acers and commentators that it suffices for contracting a relationship, which the godfather receives from the hand of the baptizer, even if Baptism is by infusion.) That this be not received merely materially, but also with the mind of the receiver, or that he perform this office with intention. Num. 2. » ˚ (Thus also . But see infra n. 152.) ˚ 147. — Here it must be noted, so that it is certain what D. Thomas teaches concerning the obligation of a sponsor; namely, in III. p. q. 67. art. 8., he says thus: "He who receives someone from the sacred font assumes for himself the office of pedagogue; and therefore he is bound to take care of it."

» That is, as they say, page 2, page 32, note 158. Tourn. tom. 4. pag. 341. q. 2. n. 26 et alibi passim, tenetur instruere baptizatum circa fidem et mores. Nevertheless, this obligation is binding only then, « if necessity compelled it, congruent with that time and place in which baptized persons are nourished among unbelievers, » as the same D. Thomas says there: « But where they are nourished among Catholic Christians, they sufficiently can be excused from this care, » presuming that they are diligently instructed by their own parents; » yet if they somehow felt otherwise, they are bound according to their manner to attend to the care

of the spiritual salvation of their children. » "And the same is commonly said with . etc. Pre-nuptial II." That in private baptism no fault arises if the godfather be omitted, as they say in DE CEREMONIIS BAPT. DUB.

V. ARTICLE II. 307. 32. n. 153. and n. 24. with Soto, and others commonly. They nevertheless say: l. q. D. 26. n. 3. et . 5. tract. 2. c. q. cum 148. — But it is questioned I. What kind of act is required in parents that they may contract affinity? The text which establishes this relationship (relative to book 7. D. 56. n. 1.), his utuntur vocabulis, suscipit, tenet, accipit, levat, tangit.

Whereby the DDs are required at chapters 2 and 3 to inquire about contracting this relationship, so that the godfather may hold or touch the infant while it is being baptized; or immediately lift or receive it from the holy font, or from the hands of the baptizer. Whether, however, a physical touch is required to contract the affinity? Speaking of infants, commonly the Doctors affirm as stated there; but speaking of adults, they deny it. Sotus, Lopez, et Sa, qui dicunt sufficere tactum moralis, sive assistentiam, quia cum adulti possint ex se sustinere, sufficit assistentia qua denorent patrini se suscipere eos in suam curam; caeremonia tentionis non adhibita. But most commonly and justly they contradict §. 2. n. 3. n. 31. p. 5. §. 2. n. 14. with Carden. Reg. l. c. cum Manuel. et Henr. qui de hoc affert Declarationem Cardinallium.

Reason, both because such an expression is strictly required by the sacred Canons, and because (as D. Thomas says in III, q. 72, art. 10) this ceremony is no longer introduced to supply the weakness of the body, but to signify the weakness of the soul; hence the Holy Doctor there says: "Although he who is confirmed (the same applies to one baptized) may be physically an adult, yet he is not spiritually an adult." 149. — Question NoneII. The baptizer and the godfather employed in private baptism contract a spiritual affinity. There is no doubt that the baptizer contracts spiritual affinity, as commonly stated §. 2. n. 13. coll. 4. . 6. n. 4. and others. Is there doubt whether the godfather contracts?

The first opinion affirms, and they hold this: p. q. 67. art. 8. at the end with Arm. and c. with Sa and Con. Reason, because the godfather is not employed in baptism solely for the solemnity, but also on account of the obligation of instructing the baptized. And although the Church in chapter 2 of c. n. 12 asserts to the common use, according to l. 7 D. 62, n. 14. Bon. eod. tit. qu. 3. p. 5. §. 2. n. 11. n. 544. Sporer page 4 number 89. Tournely vol. 2. p. 144. with Soto. and . 32. with Hurt.

It is proven from where it is thus established: "One alone, whether man or woman, shall receive the just institution of sacred canons, and shall be baptized once for the Baptism; among whom and the one who is baptized, as well as his father and mother, nor should baptismal bonds be contracted only between the baptizer and the baptized and their fathers and mothers." The parish priest, before he approaches for the administration of Baptism, diligently from those to whom he will be responsible shall inquire who or whom they have chosen so that the baptized may receive from the sacred font; and he shall admit only that person or those persons for that reception, and shall record their names in his book, teaching them what spiritual relationship they have contracted. From these words, the aforementioned AA. rightly conclude that an impediment is contracted only from the Council with respect to those who receive at the sacred font, since it is this institution alone which is established for the conferring of Solemn Baptism, and not private baptism. Neither does it hinder to say with Suarez that Tridentine Council did not derogate from the ancient law according to which (as he asserts) all recipients contract a relationship of affinity. Nam primum non demonstravit Suarez, ut erat necessarium, quomodo per jus antiquum cognatio contrahebatur in baptismo privato; deinde etiamsi hoc primum statuisset, tamen Tridentinum ad evitandam incommoda derogavit omnibus aliis prohibitiis nuptiarum, praeter illas quas hic statuit dicendo: « Docet experientia », propter multitudinem prohibitorum multoties in casibus prohibitis ignoranter contrahebuntur nuptias, in quibus vel non sine magno peccato perseveratur, vel ea non sine magno scandalo dirimuntur. Wishing therefore to provide for this inconvenience and beginning with the impediment of spiritual cognation, the Sacred Synod decreed that one alone, whether man or woman, etc., and proceeds as stated above.

Therefore, the Council wished to prescribe for the avoidance of inconveniences that the aforementioned cognatio should henceforth be contracted only by those receiving from the sacred font, that is, in Solemn Baptism, as we have said. 180. — Question NoneIII. Whether parents who baptize or receive their children in Baptism contract an impediment to petitioning for debt? It is certain that they do not contract an impediment to petitioning for debt, if they baptize in necessity, as teach D. Thomas in the Supplement, question 56, article i. Sanchez de Matr. lib. q. D. 23. n. 49. et alii communiter ex cap. Ad limina 7. Cause 30. Question 1. Where it is said: Innocent to be judged, what necessity has brought about.

It is certain that 2. gravely sin parents who, out of industry and without necessity, baptize children, as is evident from c. De his 7. dict. q. i. vide l. c. It is certain that 3. not contrary to consanguinity, if parents baptize out of ignorance, as is contained in c. Si vir 2. de Cognat. Spirit. ubi sic dicitur:

« Si vir vel mulier scienter vel ignoranter filium suum de sacro fonte susceperit... » quamvis generaliter sit insitutum ut debeant separari, quaedam humanius sentientes aliter statuerunt; ideoque nobis videtur quòd sive ex ignorantia sive ex malitia id fecerint, non sunt ab invicem separandi nec alter alteri debitum debet substrahere... quia si ex ignorantia (nota) id factum est eos ignorantia excusare videtur: si ex malitia eis sua fraus non debet patrocinari vel dolus. The question therefore is, whether parents contract an impediment by baptizing a child out of diligence beyond necessity? The first opinion commonly affirms this, and this is held by St. Thomas. Suppl. qu. 56. a. 1. p. 217. p. 159. n. 14. item 5. Bonao.

Marsh. Rich. and others more with Q. D. 26. n. 7. Reason, because the same law which commands spiritual affinity to be contracted between the baptizer and the baptized parents, itself introduces an impediment for her own offspring whom she has had baptized. The second opinion, however, sufficiently probable, denies this, and many and weighty doctors hold thus: . p. qu. 67. art. 8. Pontius de Matr. l. 10. c. 6. nu. 4. tit. qu. 7. art. 3. n. 7. Coninck D. 34. dub. 8. num. 69. . 25. cum Perez, ». Debitum, ubi dicit: « Non invenimus in hoc casu quod non exigat; ergo nec nos prohibemus. »

The reason is that truly no law (as itself; and if any ancient texts have been present to separate such married couples, yet all these Canons (as it is said from which words rightly inferred; for the text does not say that only the harmful should be held bound by a debt not to deny, but uses correlatives terms, which induce mutual obligation. Si igitur utraque pars (ut bene arguit Pontius n. 4. in fin.) tenetur debitum reddere, ergo utraque potest petere; nam si nocens petere non posset, neque pars innocens posset reddere, quia ex una parte non teneretur reddere, cum nocens jam amiserit jus petendi; ex altera neque etiam posset reddere, si posset negare sine gravi incommodo, quia cooperaretur peccato alterius, juxta dicta lib. 2. num. 47. et ut dicemus in hoc casu tract. de Matr. lib. 6. n. 945. It is also false that whatever impedes the contracting of Matrimony likewise impedes one already contracted; for no penalty accrues unless there be express provision in the law; and in our case, this penalty for not petitioning the debt does not appear anywhere expressed, although it is otherwise held concerning incestuous cases according to c. 1. Concerning him who is known by consanguinity 181.— Inquiry. IV. Whether by receiving an infant in Baptism under a certain condition, one contracts consanguinity?

Resp. si primo Bap-tismo dubium duntaxat negativum adsit, omnino affirmandum cum communi, quia nulla tunc ratio pro valore anterioris Baptismi urget, et praesumptio stat tantùm pro valore secundi. Thus. Book 7. D. 26. n. 6. Mazzotta t. 4. p. 45. . 29. cum Bonac et Renzius de qu. 4.

cum Dicast et Diana. Otherwise Renzius n. 4. with Diana say, if a positive doubt is present. And this is sufficiently probable according to what will be said when we speak with the common decree DD. about whether it can be contracted marriage, when after prolonged separation no certain impediment is proven to be present, 1 8 2. - Question None

V. Does the cognation that receives errors repel an innocent infant for another reason? They deny Contin. Tournel. t. 4. p. 1 4 6. et. 1. 7. d. 5 8. n. 7. cum Abbat. etc. Quiaindict. cap. 2. de Cognat. Spir. is called conjux, which formerly lifted up the son of the husband, not the son of the debtor by petition for debt. Affirmant autem Pontius de Matr. 1. 7. cap. 19. n. 19. et v. 11. §. 2. n. 5. cum aliis; quia suscipiens videtur habere intentionem suscipendi infantem, quem quis sit; textum autem allatum dicunt non probare conique non gessisse verum officium susceptoris, sed solum ex dispositione juris sublatum esse impendimentumpetendum debitum, quod impedimentum non decerbat quidem contrahitisine conjugis culpa; sed hanc rationem alienam non procedere in nostro casu.

This opinion seems more probable; unless (as rightly objects Renzius c. 5 q. 1 5) he have an expressed intention not to receive anyone, nor to intend receiving. 1 8 3. - It is asked VI. Does anyone contract this affinity if one receives a child under another name? Three are the opinions. First it is said that in common one speaks only of the principal contract, and the essence of Sanchez de Matr. 1. 7. d. 5 9. n. 1 2. Pontius 1. c. Renzius c. 5. q. 2 6. c. num. 1 4. cum Coninc. Croiæ 1. 6. p. 1. num. 3 6 4. cum Aoersa et Gob. Tournely to m. 4. p. 1 4 5. coll. 3. cum Nao. et Fagnano.

The second intention is said to contract solely the procurator, because this alone receives infants; thus Concina 1 o m. 8. p. 1 9 0. n. 1 6. cumSoto, etTolet. The third opinion, which Leander and Diana with Sabinus, Regulus, and Fulgentius hold according to the Council, neither contracts the principal procurator, for he does not receive; nor the non-procurator, for this one does not intend to contract. Notwithstanding this, the first opinion, which is more common and absolutely more true, seems to me to be correct. Reason, because from. Notwithstanding, the principal fact does not take place, because according to the rule of law, it seems that another makes perforce do what he effects. Thus the decision refers from Pontius to S.

C. quædicitinhocasu: "Procuratornon" contrahit cognationem printalem sibi, sed mandanti. "1 8 4. - Question None" VII. They are bound to contract cognition against four designated senses? Before the autumnal equinox it should be noted what will be found in the Fifth Session of the Council of Trent: "If those who have been designated but not yet

consecrated are baptized and marry, no cognation is contracted, even though there may be a pact to the contrary; Constitutionally it has been decreed that 'no cognation is contracted.'" But a doubt arises: whether if no one is designated, and many tangentially touch, all will contract?

Diana tenet cum aliis apud Busenb. ut supra, neminem eorum cognationem contrahere; et hanc sententiam probabilem putant. 7. D. 5 7. n. 1 2. ac. etc. apud. 7. n. 5 6. et probabiliorem vocat Croiæn. 3 5 9. cum Gob. et Aoersa, quia Tridentinum expressè requirit designationem, et proinde (eadeficiente) cognationis contrahitur. But opposite to this, I subscribe to the common view, as Vioa de Matr., q. 5, a. 6, n. 6, with that from n. 57, and with Nao. C. all say that cognation is contrahed by all. Reason, because although the Council prescribes that the parish priest should be known to have been designated by the parents, and that he should be punished if otherwise he acted; yet it does not say that reception is null, nor does it annul the ancient right as it is found in c. fin. de Cogn. spir. in 6, from which all tangential consanguinity contracts: these are the words of this text: "Although more than one man or woman should not approach to receive an infant for baptism; yet if more do so approach, spiritual consanguinity thereby is contracted." And for the same reason the Author rightly says 8. v. Contrary to that, and with reference to c., even if there are designated sponsors present, another merely touches; this alone contracts it at the time, because the Council says that those who touch beyond the designated do not contract affinity, but only those who touch besides them; for "beyond" implies that they both touch the designated as well as the non-designated; while "besides," however, implies that they touch only the non-designated, since the Council does not exclude from contracting affinity those touched, at least not explicitly, which was necessary to express; otherwise, in doubt, the ancient right would possess jurisdiction.

On the contrary, quite otherwise must it be said: if one designated person touches, and another non-designated person does not touch, for here he in no way contracts, as is evident from the words of Trent cited above. A doubt arises 2. If more than two are designated, and all touch, whether all contract affinity? He considers that in question 67, article 8, at the end, it is stated that if they successively touch the boy, only the first two contract kinship, and they rightly understand this. Book 7. D. 57. n. 14. et Croix l. 6. p. 1. n. 360. If however all should touch him at once, but; because the Tridentine decree, although it prohibits more than two from being employed, nevertheless does not offend the ancient law, unless they touch more than two designated ones; not rather if one touches more than two designated ones beyond two.

And this is all the more applicable, if among those who are designated, it is unknown by whom of them previously touched from the Decree. S. C. cap. But this must be noted here. With Tournai, tom. 2. If, however, the parish priest unjustly repels the godparents chosen by the parents, and they hold the infant, they contract true kinship. Notandum est 2. cum eodem: Si vero plures patrini accedant ad parentes designatos, bene poterit permittere (quod ait Croix n. 35o.), ut omnes tangant; modo externè designet unum et unam, quibus tantùm tradat infantem, et illos solos adnotet ut patrinos, moeatque tantùm eos cognationem contraxisse. Quærit. VIII. Whether two males can be appointed as godfathers, or three LIB.

VI. TREATISE. Two. ON BAPTISM. AND CONFIRM. CAP. I. two women?

It is denied, but it is probable when it is only venial, against Bonaventure and others who wish it to be mortal. Dubium primum. Whether the godfather of a male (if he is an only son) should be a male and the godmother of a female should be a female? They affirm Fill. Obj. when from Doubt 2. Those who sin designating two males as patrons, or two females?

It is certain that parents as well as a parish priest who admits such godparents are sinning, since it is contrary to the prescription of the Church. But that is Croix n. 35o. cum . But Bonaventure and others say that it would be mortal; and this seems more true to me if the patrons were of different sexes and if there were an infant: because in such a case the degrees of relationship would be multiplied, which Tridentine Council wished to prohibit, as we have seen; otherwise, if they were of the same sex. 156. — "Resp. 3. Validly indeed, but illicitly are the Patrini: "I." Abbot, and Monk. Under what name do the mendicants not come?

In c. Non licet 103. de Conser. D. 4. thus it is held: It is not permitted to an Abbot or a Monk to receive children into Baptism, nor for a Com-mother to have [them]. It is, however, permitted to monks to have compatriots by baptizing them, as stated on page 217 with number 4. And by the name of monks also come mendicants? They deny Palaus tr. 19, part. 11, §5 n. 4. et n. 47. cum 8 pag. 189 cum . . 1 R 3. Reason, because although the name Monachorum does not bring about the hatred of the Mendicants, nevertheless the Roman Ritual.

The title concerning the godfather prohibits this for all Regulars, saying: For this reason, Monks, or those dedicated to sanctity, nor any others who are from the world segregated in any Order Regular, should also not be

admitted. Regulares autem facti Episcopi non prohibentur suscipere, ut ait Palaus l.c. cum .) 5. Even though. » II. Husband in regard to husband, and parents in regard to children, unless there be necessity. III.

Famous in vices. IV. Apostates, and heretics who seem to be without any excuse for advocacy, because such advocacy would be a protestation of a sort of false religion, since they will have to bear witness solely of false faith: although n. 7. more probingly says that it can perhaps be admitted from time to time on account of some grave cause. Catholics, however, are able to receive an infant, baptized by a heretic and preaching heresy, on account of a reasonable cause, at least in Germany, number 6. 6 (Et Croix n. 37o. consents with Gob. et . and agrees; but more commonly they deny it) 6 V.

More than two are permitted by Trent, not excepting even the highest one and one alone, on account of the usual spiritual affinity: Wherefore it commands parishes, under pain of arbitrio ordinarii to be inflicted, that if more present themselves, they petition those to whom it pertains to designate patrons, so that either one or two may name them, who contract cognation, and their names be referred to in the book, and these be instructed concerning the contracted spiritual cognation: namely, that what impedes this, he will cut off not indeed marriage with themselves but between each other, and baptized persons, as well as congruent between the baptizer and the baptized, and the baptized person's father and mother. Parents are nevertheless received when they undertake the care of their own offspring in necessity. Here it is asked whether two spouses can lawfully take another man's children as their own? He denies it, question 67, article 8, according to the constitution of Urban II related in cap. fin. 30, question 4, where it is said: "But that the purity of spiritual paternity may be preserved immune from every stain and infamy, we have deemed it fitting that both (conjuges) should aspire together to this, lest they presume too little." He nevertheless holds that this is no more than venial, worthy of being decreed according to those words, which seem to introduce merely decentia. But no probable sin, and yet commonly it is taught, n. 30.

Canon of Marriage 1:7, disputation 37, note 5, paragraph 3, section 2, note 5, and number 51, with Coninchi. Reason, because by reason of long-standing custom this is permitted; and it expressly teaches so in dist. 42, qu. 1, art. 3, qu. 2, ad 4, where it says: "Nothing prohibits that a man and wife together raise someone from the sacred font." » 188. — « I. In private Baptism, on account of necessity given, the father should not assume or hold as godfather an infant; since in this case there is no necessity for a godfather, therefore if he does so either then or even in public Baptism

(which is the same thing if he baptizes his own child), he gravely sins and furthermore contracts affinity with his wife in a subsequent case. As it is taught; which they nevertheless deny in 4. de V. Bonaventura de Mariâ, Question 3, Part II, Treatise 5, Section 2. Esco6. t. 7.

E. 2. where it cites. " And indeed probably; see what is said in no. 150." If among many godfathers none are appointed by the parents, or in their absence by the parish priest, who contract affinity with others who are secluded, and thus many through ignorance or negligence of the parish priest may be lightened, it is probable that all will contract affinity» (unless they assist only and do not touch). V. 5. t. 10. p. 4. c. 8. et tr. 2. c. 9. n. 4. Diana however p. q. t. 7. Reply to question five.

from § (See what is stated in no. 154.) 189. — “ 3. The parish priest gravely sins. I. If through negligence he omits to refer the names of those baptized in the book; then both on account of the law and on account of inconvenience and ensuing damages. s. II. If his 314 library. VI.

TRACT. Two. ON BAPTISM. AND CONFIRM. CAF. II.

"The fault of Patrini involves the employment of more." Quint. l. c. Although Perez and Serra at R. 5. say that it is probable that it sins only venially, nevertheless others condemn it as mortal. The parish priest also gravely sins by solemnly baptizing without a sponsor, since this is one of the principal ceremonies. Croix l. 6. p. 1. n. 348 et 349. cum Gob. Thus gravely will he sin also, if he admits to Baptism a sponsor not designated, as the aforementioned authors say in loc. cit., and p. 347, q. 4, cum Vega, et aliis; and this is from the Tridentine precept in loc. cit., where it is said: "The parish priest, before approaching to administer Baptism, diligently shall know whom or whose he has chosen, etc." — This last especially is noted from Riuali Rom. After the administration of Baptism, the parish priest ought to note in the book the names of the baptized, as well as those of their parents and sponsors. 1. 2.

Remind sponsors about the relationship contracted and their obligations. 3. Impose upon mothers and nurses, that they do not recline with infants, on account of the danger of suffocation. It is noted however on page 344, that it has been judged that the side, which is prone to anger and cannot otherwise be defended from cold, and the woman who in sleep habitually retains her own position and place, will experience all discomfort ceasing. Thus Tourn. ## CAPITULAR II. ## DE CONFIRMATIONE. ## DUBIUM I. ## What is it, and what are its matter, and form. 161. By what reason is confirmation a sacrament? — 169. What is the remote matter of this

Sacrament?

And whether oil of olive and balsam is a necessary material. Is the blessing of chrism necessary? And can these things be committed to a simple Priest? Is there an obligation to use new chrism? — 164. What matter is nearest? And whether another imposition of hands is required besides chrismation? — 168.

Can an unction be made with a finger other than the thumb of the right hand? — 166. By means of an instrument? — 167. Concerning the form in the Latin Church. — 168. Whether changes concerning the form invalidate the Sacrament? Regarding the form of the Greeks. — 169. On the effects of confirmation. 161. — "RESP. 1.

Confirmation is the anointing with chrism, under the prescribed form of words, on the forehead of the baptized by the Bishop, because it is an increase of grace instituted by Christ and receives strength. "It is thus according to canon 1 and Habetur however in Epist. 2 de ipsa Apostolorum edocuit." See 2 and 11. item in Petrocoron. t. 3. p. 226. q. 2. from page 5. who approve this from tradition.) 162. — 2. » Resp. 2. The removal of its matter is essential chrism, made from balsam and olive oil, blessed by the bishop.

Thus it is consecrated. Learned. Whereupon it is resolved: 2. Balsam alone is not sufficient, as Canus willed; nor oil alone, as they willed. It is certain that oil is necessary for the Sacrament, according to the last chapter. From Eu. IV, ut n. 3. cum comm. et Croix l. 6. part. 1. n. 375.

And it should be oil of olives, as St. Thomas teaches in the third part, question 72, article 2. By the word oil, namely, which by its nature is rich and flowing, is signified grace of the Holy Spirit, which from Christ the head is poured out upon us. But balsam is certainly necessary from the necessity of the precept; but whether it is also necessary from the necessity of the Sacrament? The first proposition denies it, and this is held on page 208. Sot. de n. 3. et meritò probabilem putat Croix cum non iterand. Where Innoc.

III interrogatus de subdiacono ordinato sine impositione manuum, et de alio confirmato in solo oleo benedicto, sic respondit: « In talibus nihil esse iterandum, sed cautè supplendum quod incautè fuerit praetermissum. » Whereby (as they say) balsam is not of necessity a Sacrament, for otherwise the entire Sacrament would have had to be repeated otherwise. The second opinion, however, is more common and probable, and this is

held by D. Bellam. de prop. 2. Gonet D. 6. art. 6. . 72. Difference 33. section 1. Petroc. tom. 3. pag. 261.

Concina t. 8. pag. 204. n. 12. . 40. n. 194. et cum . It was approved i. according to the Decree of Eugene IV, approved by the Florentine Council, in which it was stated that the material of Confirmation is chrism made from oil and balsam. They oppose this Decree Tournely and Habert, saying that since that was formed, the Council had already been dissolved; for the Greek Bishops with their Emperor had already withdrawn from it, having finished the business of the union of their Church with the Latin one. But it is responded on page 269 that the Council did not therefore cease its proceedings, when the Greeks agreed to continue the Council, in which another union of Amen was to be made. Whereby in this Decree Eugenius adhered to the customary manner of speaking usual in general Councils, the Sacred Council of Florence approving this likewise. And at the end it was thus said: "Given at Florence in the public Synodical Session in the Church Major solemnly celebrated anno domini" ut 1431.

Besides, this Decree attests to it to Petercorp 3.16 LIB. VI. TRACT. Two. ON BAPTISM. AND CONFIRM.

CHAPTER I received throughout all parts of the Catholic Religion. It is proved 2. from chapter Cum venisset unic., for by the luster of oil conscience has been enlightened; hence it is designated... by balsam the odor of fame is expressed. Then in § Per frontis eod. cap., the Sacrament of Confirmation is called Chrismation, not for any other reason, but because of the chrism which is used there. This is confirmed by ancient practice of the Church; nor does Bellarmine say otherwise. No Fathers before St. Gregory the Great remember this mixture of balsam; for St. Cyprian, long before (as Bellarmine relates), had already written: "Today in the Church sacred chrism is consecrated, in which mixed oil and balsam express the unity of priestly and royal glory." » Likewise, it is referred to that Saint Clement made mention of the fragrance of the ointment of chrism. Regarding the aforementioned text in the chapter "Pastoralis," it is responded to with Petroc., and it is not stated that what was previously done has been repeated, for the prior act had not yet occurred

It is certain, however, that neither opinion is held as a matter of faith, nor is any one determined; hence absolutely the Sacrament must be conferred with Oil and Balsam, and even if it were doubtful, as rightly Habert says in Tom. 5, p. 289, prop. 2. And thus given with oil alone, at least under the condition would it be necessary to repeat. On the other hand, since the first opinion is sufficiently probable, as Croix says n. 376 with Gobat, it can rightly be said that Confirmation may appropriately be conferred at

the hour of death under the condition solely from oil, if chrism made from balsam cannot be had; for a great advantage would be thereby given to this Sacrament, which is a sufficient reason for administering it under such a condition, according to what is stated n. 28, 163 – 2: “And also the Episcopal blessing is of essence, as” says the common against 72, art. 3, d. 1. It is asked, whether Chrism ought to be blessed by the Bishop? It is certain among all, that by necessity of precept chrism must altogether be blessed by the bishop. But it is doubted whether, on account of the necessity of the Sacrament, the chrism ought to be blessed at least by a priest?

They deny it, Palud. n. 15., and others at p. 262., q. 3. Absolutely that must be affirmed with the others, and it is proven by the Decree of Clement. VIII apud nos Benedictum. XIV de Synodo l. 7. c. 14. n. 4. ubi Clemens loquens de Oleo benedicto adhibendo in Extrema Unctione decrevit Extremam Usc- tionem ministratam cum Oleo benedicto à Sacerdote sine con- cessione Papæ invalidam esse; hæc verba Decreti: « Sacram Est Extremam Unctionem Latinis collatam a Sacerdotibus Græcis Oleo ab ipsismet benedicto esse validam. » "Dubitatur 2." Whether the chrism necessary should be blessed by the Bishop?

The first opinion more commonly affirms this, and this is held by D. Thomas in the third part, question seventy-three, article three, page two hundred sixty-two, question three. Concina tom. 8. p. 205. n. 16. et n. 15. hoc putant probatum ex Conciliis Nicaeno I, Romano II, et ex c. 110. Dubium 4. de hoc, ut non tamen rore frontem ex eodem oleo signare, quod solum debetur episcopis; cum tradant Spiritum Paracletum. The same is prescribed in the Decretals. Eugenii IV, ubi dicitur materia Confirmationis esse chrismata aepiscopo benedicta. The second opinion, which Tourn. in Praelect. p. 237. and Caj. hold.

Val. c. 2. n. 16. item c. id negat; et meritò (speculativè loquendo) hanc sententiam probabilem putat sectio 2. Croix l. 6. p. 1. n. 38. Reason, because it is fitting that the Pope has the power to confer confirmation simply upon a Priest as we shall see in D. seq. n. 170, so too may he commit the blessing of Chrism to him. None of the extrinsic documents sufficiently proves that chrism should necessarily be blessed by a bishop both out of the necessity of the precept and also out of the necessity of the Sacrament. I spoke speculatively; for in practice, since the matter is very doubtful, the first opinion should be held absolutely as the safest. « 3. It makes no difference to the substance of the Sacrament whether the chrism is new or old; albeit he gravely sins who uses another than the new one, that is, the one consecrated in that year, into which every year on the day of the Lord's Supper the old is consumed.

» (Idem communiter) n. 21. ex cap. Si quis, de. » 164. — « Resp. 3. The proximate matter is the anointing on the forehead, by » the hand of the Bishop (whence this Sacrament is also called manus impositio according to S. Luke Actor. 8.) in the form of a Cross made. » All things that are necessary to the Sacrament, as the common has it. » This falls to treating that great and much disputed question, concerning which Authors have published entire volumes, namely, whether there is an adequate matter, and what is the form of the Sacrament of Confirmation? Hereon I must sometimes dwell at greater length. Formerly in previous editions of this Work I have already treated of this question, but recently I wished to bring it again to the touchstone, and I confess that, having spent nearly fifteen days in reading the Canons and writings, I was unable to form a certain judgment.

Finally, you wished to see the reasons which I shall bring forward at the end of the question; these have removed all doubt from my mind, and I have formed a certain judgment concerning my own opinion. There are many judgments concerning this matter, but three are principal. The first opinion holds that the essential matter of this sacrament is the imposition of hands which is found in the Roman Pontifical at the beginning of the Rites, where the Bishop extends his hand towards those to be confirmed, pronouncing the prayer: Omnipotens sempiterne Deus, etc. The unction, however, which the Bishop administers afterwards, he says to be an accidental matter, not instituted by Christ but by the Church. Cardinal Auriol sentiit ita in quarto. Distinction 7. question. I.

Sirmondus in his Antirrhétiques with Sambuico and a few others. These authors are led from that text to Act 8, where Saint Luke, explaining the mission of Peter and John in Samaria, writes: "When they had come, they prayed for them that they might receive the Holy Spirit; for as yet the Holy Spirit had not come upon any of them, but they had only been baptized in the name of the Lord Jesus." Then they imposed hands upon them, and they received the Holy Spirit. Hence they argue that the Apostles employed in this sacrament the mere imposition of hands as the material element, and on this account they still today regard it as an essential material. This opinion, however improbable, shall be seen to be such below. The second opinion states that the essential matter is composed both from the imposition of hands, which takes place at the beginning, and from unction, which is thereafter employed by the Bishop.

They hold this, question 4. Juvenin. de Confirmatione. Conclusion 1. same title article 3. he who at least considers this opinion probable. habit. from the same title, page 115. Concina t. 8. same title chapter 2. Cardinal.

Gotti Theol. tr. de D. 2. c. 1. Conclusion 1 and Continuator Witasse in tractate 7 on Confirmation, who nevertheless does not openly defend this opinion. These authors say that the imposition of hands is proven from Scripture, Acts 8, as above, but they prove the anointing with chrism from the SS. Fathers, whose authorities we shall refer below. Finally, the third opinion, which is almost universally held and we uphold, and which we consider to be most certain with Bellarmino, holds that the adequate and total matter of Confirmation is the Unction of chrism, which is used in consecrating those who are confirmed through imposition of hands by the Bishop. This teaches St. Thomas in the Third Part, Question 72, Article 2, where he states that chrism is the fitting matter for this sacrament.

Elsewhere (In Lectures 1 on chapter 6 of Hebrews), he does not deny that the imposition of hands is also matter of Confirmation, but rather the imposition which accompanies Unction. S. Bon. in IV. Difference 7, Article 1, Question 2. Estius 1. 4. Doctor 7. Section 7. Isambert in third part, question twelve, discussion one, article four.

Cabal. in Notitia Ecclesiast. ad 2. Can. Council. Araus. Bellarm. on Hugo de Sancto Victorino, I, 2, concerning chapter 2. Peter Aurelius in the Orthodox part. 1. c. 7.

Saint Augustine. 3rd part. title 14. no. 2. Suarez in third part, question seventy-two, article two. Dubium 33. Section 4. Syll. idem quaestio, caput 72., articulus 2., ubi ait de fide quod materia sit sola chrismata, pars tertia. Dub. 5. q. 1. punct. 2.

John. Laurentius Berti de Theol. Disc. OF CONFIRMATION. DOUBT. I. 319 t. de P. Collet.

Continuator Tournely, tom. 4., de articulo primo, titulus de arte tertio, dubium primum. Filiiuc. tr. 3. c. i. n. 9. d 4. q. 4. Soto in 4. D. 7. q. 2. art. 2. Silvester. v. Confirmation, n. 8. . 2. c. 24. n. 1. . Moralium de Deo 4.

Scotus in quarto. Difference 4, Question 1. Gonet page 167. 5th treatise, third question, first article, fifth note. Title second number. Page 395. Verse. What, however, from the same title, question 3, page 256. La Croix l. 6. part. i. n. 380. cum aliis plurimis, item Guillelmus Parisiensis, Maldonatus, et Petrus de Marca apud Contin. Witasse (see loc. cit.) who asserts that this opinion follows all the Thomists and the Scotists.

The Roman Catechism on the Sacraments teaches that chrism, composed

of oil and balsam, is alone the matter of this sacrament. And diligently he adds: « Quod autem ea sit hujus » Sacramenti Materia, tum sancta Ecclesia, et Concilia per- » petuo docuerunt, tum à S. Dionysio, et complurimis aliis gra- » vissimis Patribus traditum est: in primis à Fabiano Pontifice, » qui (in Ep. 2. ad Dist. 3.) Apostolos Chrismatis confectio- » nem à Domino accepisse, nobisque reliquisse testatus est. "Nulli dubium ad Materiam Confirmationis constituendam requiri Impositionem manuum, ut ex Scriptura desumitur, et ex Patribus, prout à Tertulliano de à S. Cypriano Epist. 73. ad Jubaian. à S. Hier. in Dialogo adoers." Lucifer. St. Augustine, lib. 15, de peccato et aliis. But there is no doubt that the Anointing with Chrism is designated as matter just as much by the Imposition from the Fathers; thus Saint Dionysius, Saint Cyril of Jerusalem.

Tertullianus, S. Ambrosius, S. Cyprianus, S. Augustinus, et alii quorum auctoritates infra transcriberemus. We therefore acknowledge that for the Matter of Confirmation both Unction and Imposition are required; but only that Imposition which is inseparable from Unction. Bellarminus de Pergameno Bellarminus: When the Fathers teach that the Spirit of S. was given by chrism alone to the Bishops, they prove it from those Acts 8 where it is read: "Then they laid hands on them and they received the Holy Spirit." Thus speaks S. Dionysius: "The completing Unction, which abundantly bestows the Divine Spirit." From the Church. Tertullianus: "Unction qua caro ungitur, ut anima consecratus sit." Book 2 of Saint Cyprian: "It is necessary also to be anointed," so that having received the chrism, one may have within oneself the grace of Christ.

» Epist. ad Leo Epist. 88. et S. Augustinus l. 15. de hoc arguit Bellarminus, quod hujusmodi probatio Patrum nullam vim haberet, si impositio manuum non fuisset cum Unctu. VI. Translation: But this argument has no force, if imposition of hands had not been with Unc-3zo LIB. Two. OF BAPTISM. AND CONFIRM.

CHAPTER II connected confession. Therefore, Fathers, teaching that the Sacrament of Chrism is conferred through imposition of hands, and having proven this from the description in the Acts concerning imposition of hands, necessarily understood the Apostles as having imparted the Divine Spirit by anointing their hands. That very same Chrismal Matter which the Church now uses is the same as that which the Apostles used, is evident from chapter one. Innocentius III de sacra Unctioni § Per frontis, ubi sic: habetur: « Per frontis chrismationem mandata designatur: quae alio nomine dicitur Confirmatio: quia per eam Spiritus Sanctus ad augmentum datur et robur. » That which is designated there is not to be received as an empty shadow or figure or signified, but rather as a true signature, assigned, present, or existing; for this is clearly evident from the

immediately following words: "Wherefore when other anointings are administered by a simple priest or presbyter, this one must necessarily be conferred by the supreme priest, that is, the bishop: because it is read of none but the apostles (who are the vicars of the apostles), through whose imposition of hands the Holy Spirit was given, as the reading of the Acts of the Apostles manifestly shows: When the apostles who were in Jerusalem heard that Samaria had received the word of God, they sent Peter and John to them; who, when they came, prayed over them that they might receive the Holy Spirit: for he had not yet come upon any of them, but only been baptized in the name of the Lord Jesus; then they laid hands on them, and they received the Holy Spirit: whose coming is designated by the ministry of unction." It is certain that the Matter of Sacraments, since they were instituted by Christ alone, cannot be changed; for Bellarmine says in c. g. against certain Recent Ones: "But it is uncertain whether the Apostles have in any way changed the matter."

Therefore saying Innocenzius: because alone the Apostles laid their hands, hence that imposition was the same through unction which now is unction through imposition; thus appropriately writes P. Suarez: 'The Pontiff therefore feels that that mandate imposition was the same which now is and which is signified by the name chrismation... which he sufficiently proves to be sufficient by the present usage of the Church, etc., only this do the Bishops confirm now which the Apostles confirmed by laying hands; and this is also confirmed by another canon of the same Innocenzius III in c. 4.' As to the Consuetudines, where the Pontiff addresses the reprehensible custom of certain Priests who reserved the Sacrament of Confirmation for Bishops alone, he says: "Since it is the Sacrament of Confirmation that Bishops alone should confer upon renatos by means of the imposition of chrism." Note, chrismating, by mandation imposition, therefore the same is to lay on hand as to chrismate. The same is held in the Epistle of Michael Palaeologus sent to Gregory X and reported in the Second Lyon Council. In that Epistle the Emperor made profession of faith, and it was thereupon well received by Gregory; thus it was said therein: "The Sacrament of Confirmation is another thing, which the bishops confer through the imposition of hands, in chrismating those who have been reborn." The same is confirmed by Innocentius IV, Epist. 10, c. 4, apud Lab. tom. 11, pag. 676, where it is said: Only Apostles, whose places bishops hold, are read as having through the manual imposition, which Confirmation or chrismation of the forehead represents, given the Holy Spirit: The Word represents this as being present.

Here the holy ones approve three other matters of great weight, each of which is sufficient for our opinion as a certain approval. First is the authority of Eugenius IV in the Decree issued at the Florentine Council,

which was approved by the Council itself, for the Instruction of the Armenians, where it was thus defined: "According to the Sacrament Confirmation is Confirmation, whose Matter is chrism composed of oil, which signifies the luster of conscience, and balsam, which signifies the odor of good fame through the Bishop's blessing." The form is: Sign O thou with the sign of the Cross, and I confirm thee with the chrism of salvation, in the name of the Father, and of the Son, and of the Holy Ghost. The ordinary minister is the Bishop; and although a simple priest may lawfully administer other unctions, this one should be conferred by the Bishop, because it is read that it belongs to the Apostles alone, whom the Bishops represent through the mandate of imposition, as the reading of the Acts of the Apostles manifestly shows: "For when the Apostles in Jerusalem heard that Samaria had received the word of God, they sent Peter and John to them; who having come, prayed over them that they might receive the Holy Spirit: for at that time the Holy Spirit had not yet been bestowed upon any one of them, but only baptized in the name of the Lord Jesus. Then they laid hands on them, and they received the Holy Spirit." In place, however, of that laying-on-of-hands is given in the Church Confirmation. According to this Definition of Eugenius and the Council, several Authors say that faith alone is the matter of Confirmation, namely the Sole Anointing with Chrism. But to this decree three objections are raised by the Adversaries.

They object that when Eugene promulgated this decree, the Council had already been dissolved. But this is answered to be untrue; for although the Greeks separated from the Council, the Latin Fathers remained nevertheless, and even the Greeks themselves had given consent before their departure that the Council would persist. Besides what we say with P. Berti, and which is altogether certainly to be held by all as a certain judgment, namely, that the Pontiff in his definitions concerning faith is per se infallible, as we have proven in the discussion set forth in Tractate on Doubts 2 at the end from note 110. Moreover, it cannot be said that the council was dissolved by the departure of the Greeks, as the Adversaries say according to Spondanus and Card. Pallavicino; nam Spondanus anno 1439 expresse contrarium refert dicens: « Non una cum discessu Graecorum dissipatam esse Synodum Florentinam, sed continuatam cum Patribus Latinis annis tribus sequentibus. » » And the same [thing] Pallavicino attests.

They object 2ndly that when Eugenius assigned Unction as Matter, he did not assign it as essential Matter, but only as accidental, inasmuch as by assigning the ordering of instruments (without any mention of imposition of hands) as Matter for order, it is more probable that the opinion of the Authors is that imposition of hands be essential Matter, and the ordering

of instruments be merely accidental, or integral, or to the highest part. Others respond with Menard that the Pontiff, when speaking of the Sacrament of Orders, did not mention the imposition of hands because that was already in use among the Armenians, to whom he wished to transmit the peculiar rites of his own Roman Church. Others respond, as Gammachusetts does, that imposition now was established by Scripture, and therefore it was omitted to make mention of it. Others respond that Eugenius made mention only of the instruments, because for the rest he referred to the Pontifical, saying, As is widely contained in the Roman Pontifical. But better responds P. Berti, that in the Ordinal Eugene designated instruments only as symbols of the duties to be exercised by the Initiand, but in Confirmation he designates chrism as a symbol of grace which is conferred through the Sacrament; for grace is not conferred unless the total essential Matter is applied. Another response is offered to me as more forceful: When Eugenius speaks of the Sacrament of Orders, he makes no word concerning the imposition of hands, whence it seems that he passed over it in silence but did not reject it; but when he speaks of the Sacrament of Confirmation, he makes an express mention both of chrism and of the imposition of hands, which was used by the apostles in this sacrament.

Therefore, si the Pontifex suffered that Imposition be Matter distinct from Unction, altogether he should have designated both Unction and Imposition as Matter, and describe the Forms of both Matters; otherwise his doctrine would not have been right, because not whole but mutilated it would have been; and consequently, since Eugenius was silent regarding Imposition distinct from Unction, altogether it must be said that he excluded it. They oppose 3rd: that in the Decree Eugenius said: "In place of those hands, imposition of hands is given in the Church for Confirmation." Therefore, according to the sense of Eugenius, the imposition which the Apostles used has now been changed into Confirmation, namely (as they add) into chrismation. But Tourn. responds well in loco citato, article 3, affirming the words of Bellarmine, who says this: "The sense is that Christma should be considered as a substitute for the imposition of hands, as if the Apostles had not used Chrism, and we do not use the imposition of hands." But the sense is this very thing which the Apostles were doing when they said that they imposed hands, to make Bishops now when they are said to confirm or chrismate: for in these places it is distinguished not between rite and rite, but between manner of speaking and manner of speaking; that is, name from name; for what was formerly called the imposition of hands, is now called Confirmation. That is openly expressed by Innocentius III in cap. Cum venisset §., where he says: "By the imposition of hands at the chrismation of the forehead is designated what is now called Confirmation."

The same was handed down by the Synod of Sens in the year 1528 (volume 14), declaring: "At that time (during the Apostles' time) the Sacrament was called Imposition of hands; now it is called Confirmation." The same [person] before Bellarmin wrote: Hugo de S. Victore said: "Manda Impositionem, quae usitato nomine Confirmatio vocatur, qua Christianus unctione Chrismatis per Impositionem manuís in fronte signatur, solis Episcopis debetur, congruent in primitiva Ecclesia solo Apostolis per Impositionem manuum Spiritum sanctum dabant." Book 2. concerning chapters 2. Thomas Waldensis also wrote, who adds further, that one is not a faithful believer who would wish to believe that the Apostles conferred this Sacrament by imposition of hands without unction; and his words are these: "Therefore rightly they gather, that in Confirmation there was not oil unction or chrism in the primitive Church, but only the imposition of hands for the reception of the Holy Spirit." » Then he adds: « Therefore let no one say that the Sacrament of Confirmation was conferred without Unction by the Apostles through mere imposition of hands: for he who anoints also imposes hands. » Peter Aurelius adds in his Orthodox [treatise], edited as an epistle to the Clergy of the Gallican Church, where the Author (part. 1. c. 7) speaking about the sense of SS.

The Fathers concerning the Matter of Confirmation say: "For the Fathers did not wish merely to join the imposition of hands and unction in the Sacrament of Confirmation, but to encompass them in a single and particular action." Wherefore they do not say that the Unction is given with the hand imposition, but rather that the Unction is given through the hand imposition. And he cites Bede and other Fathers; then he adds: "And thus was it made, that by decree the Chrismation might be performed by the Bishop with his hand; that is to say, by imposition of hands." And this custom has been accepted by all from subsequent ages and brought to us as a perpetual use of the Church, from which it does not seem that the Churches of the East were alien in the earliest ages. » Whereupon at the end he says: « The imposition of which is made in the beginning, ceremony to be a previous sacrament of Confirmation, by means of which Neophytes are prepared to receive the grace of the Holy Spirit. » » But what does that elevation of hands signify?

P. Berti responds in chapter 6, saying that through that ceremony, the Bishop represents himself as praying and invokes the Holy Spirit upon the candidates for Confirmation. Another point is that famous Rule accepted by all, namely that of Saint Augustine (in book 4), where it is said: "That which the whole Church holds, not having been instituted by Councils, but always retained, is most rightly believed as handed down solely by

Apostolic authority." First taught this by S. Basil (in his Book on the Holy Spirit, chapter 27), where he said that it must be entirely believed that "dogmas" and institutions which are preached in the Church, not having been received from the teaching of written doctrine but from the tradition of the Apostles in a mystery, that is, conveyed to us in secret. Hence well argues Tourn., that since from the very earliest centuries the Anointing has been used in the Sacrament of Confirmation and has been always retained, although Scripture makes no mention at all of the Anointing. VI. TRACT.

Two. ON BAPTISM. AND CONFIRM. CAP. II. Habetis factum est, retendendum est ex traditione Apostolorum et consequenter ex institutione Christi quod hoc Sacramentum ab initio ipsorum temporum Apostolorum cepisset conferri per impositionem manuum conjunctam cum Chrismatis Unctione. That the Unction has always been received from the beginning until now in the Church both Latin and Greek, is evident from the tradition of the Fathers. Concerning this first matter, there is a not insignificant foundation from the Apostle in chapter two.

Cor. 1. vers. 21. et 22 ubi dicitur: « Qui autem confirmat nos vobiscum in Christo, et qui unxit nos Deus, qui et signavit nos, et dedit pigmam in cordibus nostris. » These words are interpreted by John Chrysostom, Hilary, and Theodoret in this place, and also by Ambrose in his book "De his qui initiantur," chapter 7. Furthermore that: "Do not grieve the Holy Spirit of God, by whom you have been sealed." Ephes. 4. 30. explicat de Sacramento Confirmationis S. Augustinus 1. 15. de 65. Furthermore that of John: "The anointing which ye have received of Him remaineth in you." » 1.

Epist. 2. 27. thus is explained by St. Cyril of Jerusalem in Catecheses 3. Myst. « This holy ointment is no longer merely common ointment after it has been consecrated; but it is Chrism which makes present the divinity of Christ and the Holy Spirit; thereby your forehead and other senses (speaking of the Greek Rite) are symbolically anointed; and indeed the body is anointed through this, while the soul is sanctified and vivified by the holy and life-giving Spirit. » "S. Justinus in Responses ad interrogationes ait: 'Post haec in sacramento lavacri, quae dicta sunt peractis symbolis, post illa unguento consignamur.'" Theophylus, qui vixit anno 170, scripsit: « Certè nulla alia ex re Christianorum nomen traximus quàm quòd Divino Oleo perfundimur. » In the book to Autolycus until the end, Saint Irenaeus: "But then they anoint him who has been initiated with opobalsamum, for this ointment is a type of that fragrance which surpasses all things." Book 1. chapter 18.

Tertullianus: « Exinde egressi de lavacro, per ungimur benedicta Unctione

de pristina disciplina. » The Unction runs carnally in us, but spiritually it profits. Book 2. of Note, of pristine discipline. Cornelius Papa according to Eusebius (Book 6. Hist. Eccles.: "Novatus jacens in lecto pro necessitate perfunctus sit, nec reliqua in eo quæ Baptismum subsequi solent solemniter adimpleta sint, nec Signaculo Chrismatis consummatus sit, unde nec Spiritum sanctum unquam potuerit promereri."

Saint Cyprian: "It is also necessary to anoint him who has been baptized, so that having received the chrism, that is, the unction, he may be anointed with God's grace and be able to possess the grace of Christ in himself." Epistle to Numidas. The Council of Constantinople I., in Canon 7, speaking about heretics coming to the Catholic Church, teaches thus: "They indeed have delivered their books and anathematize every heresy which the holy Catholic and Apostolic Church of God feels; and those who are marked, whether first anointed with holy chrism on the forehead, and eyes, and nostrils, and mouth, and ears, and marking themselves we say a seal of the gift of the Holy Spirit." Saint Basil says: "We have consecrated the water of Baptism and the oil of Unction from which? Not perhaps from the hidden and secret Tradition? And who has taught by written word the anointing with oil?" Book of the Holy Spirit, c. 17. S. Ambrosius: « Post haec, id est post Baptismum suscepit, utique ascendisti ad Sacerdotem; omnes enim in regnum Dei et in Sacerdotium ungimur gratia spirituali. »

Book of Innocentius I. The letter written to Decentium: « To mark bishops alone on the forehead with oil when they hand over the Holy Spirit Paraclete. » Saint Augustine: "The spiritual anointing is none other than the Holy Spirit Himself, whose Sacrament is seen in the visible Anointing." » Tract. III. in Epistolam Joannis n. 5. And elsewhere: "We are anointed indeed in the Sacrament, and the very Sacrament itself prefigures something which we shall be."

In Psalm 26 Enarrationes 2. n. 2. St. Leo, in his Epistle 88, says that bishops should look to having the forehead of baptized ones marked with chrism. Saint Gregory in his Secretarium writes: "A neophyte is confirmed while the Bishop, with a tincted thumb, makes a cross on the forehead with chrism." However, the omission of other immemorial writers who speak after the fifth century concerning the Unction of Chrism is noted; for Du-Hamel c. 2, n. 5 et 6 testifies that Sirmondus himself confesses that in the first centuries the Unction was junct with the imposition of hands, and thus it was also received in use after the time of Innocent I henceforth; and Du-Hamel adds that in this all the theologians agree with Sirmondus. Therefore, attentive on one side to the praised Rule of St. Augustine, that all things which the Church holds universal have not been instituted by any council as new, but have always been received in the Church by

tradition from the Apostles, we must believe that they derive from the Apostles' tradition. Et posito ex alia parte, quod Ecclesia semper et ubique usum Chrismatis servaverit, prout supra ostensum est, omnino tenere debemus, hujusmodi usum descendisse ab Apostolis, à Christo edoctis, utpote in re ad Sacramenti Materiam pertinente; nam etiam Apostoli (ut bene advertit Suarez sect. 4.) "habebant alligatam potest-" tatem in Sacramentis institutionis à ad Littoris Dist. 2. de consecr.) ubi loquens de Chrismate, deque obligatione illud quotannis renovandi, ait: "Ista à SS.

We have received from the Apostles and their successors, and we mandate to you to hold this usage. » Cùm ergo legitur Actor. 8. quòd Apostoli dabant Spiritum sanctum imponendo manus, et una tantùm ibi, non duplex Im- positio nominatur: siquidem si ipsi Sacramentum Confirmations ministrabant, ea Impositio erat ab Unctione indistincta. It does not matter that the anointing has not been expressly mentioned in Scripture; for it is fitting in the Acts that baptism be not expressly mentioned as being conferred in the name of the three Divine Persons, but only in the name of Christ (they were baptized in the name of D. J., Act 19. a. 5), and therefore the Apostles are not thereby argued to have baptized in the sole name. II. ON BAPTISM. AND CONFIRM.

CHAPTER I Jesus; ita quanvis in Actis non fiat expressa mentio Unctionis, ex traditione tamen probatur Confirmatio collata fuisse per Un- tionem cum Impositione conjuncta. « Multa alia (scribit S. Hiero- nymus) quae per traditionem observantur, auctoritatem sibi scriptae legis usurpaverunt. » This is in accordance with the doctrine of St. Thomas, III Pars, Quaestio 72, Article 1, ad 1, thus teaching: "Where sensible signs miraculously exhibited by divine authority are presented, there was no need for sensible material as a sacramental." Nevertheless, the Apostles commonly used chrism in the exhibition of the sacrament when such signs were not exhibited; for Dionysius says (De Eccl.): "There is a certain perfecting work which our leaders (that is, the Apostles) call the sacrifice of chrism." » And from all these things it is evident how improbable is the opinion of Sirmond, who says that the Unction of Chrismate is nothing but an accidental matter of this sacrament. Gregorius a Valentia censet hanc opinionem erroneam; Sotus autem (apud ipsum) putat hæreticam; P. Berti scribit quod ipsa à notis temeritatis nequit excusari. Therefore, equally false is the opinion of Du-Hamel, who says that it is probable that Unction in Confirmation be necessary solely by reason of the precept, and not as a Sacrament

Third momentum, by which our certitude is more firmly established, is derived from the declaration of Benedict XIV, who in his encyclical letter, which begins, Ex quo primum, ad Archiepiscopos et Episcopos ritus Graeci,

etc., n. 53 (in Bullar. tom. 4), issued on March 1, 1756, where the Pontiff, remembering the controversy debated in the Latin Church among Theologians whether imposition of hands and unction with chrism are distinct or indistinct matter of this Sacrament, says: "To each one it is permitted to follow that part which more pleases him." By these words he signifies the contrary first proposition, namely that it can be held as more secure, but also as embracing our own proposition as both secure and morally certain; otherwise, if this were treated here as matter of the Sacrament, it would not have been possible to teach that one may follow whichever part pleases each individual. Furthermore at the end of the aforementioned § 51 it is added: « It is not lawful for anyone to assert in the Greek Church that the Sacrament of Confirmation does not exist. » If anyone should defend this opinion, it would be manifestly opposed to the ancient discipline of the Orientals, which the Apostolic See has rightly approved and never condemned or rejected, according to which there is no mention in the books of their ritual concerning the imposition of hands as a matter adequate or inadequate for the Sacrament of Confirmation. But that which more strongly urges and altogether renders our opinion safe is what Benedict himself subjoins shortly thereafter in §52 following, where, delivering what ought to be safely held concerning the matter and form of the Sacrament of Confirmation in the Latin Church, as there he briefly summarizes, thus he teaches. Therefore, whatever is outside controversy, let it be said: namely, that in the Latin Church the Sacrament of Confirmation is conferred with holy chrism, or oil of olive mixed with balsam, and from a bishop blessed, by means of the sign of the Cross through the Sacramental Minister on the forehead of the recipient, while the same Minister pronounces the words of the form. Therefore, it is taught there beyond controversy that the Sacrament may be validly conferred with the sole anointing of Chrism by the hand of the Bishop, and that this alone is the form which accompanies the anointment.

Qui autem huic Declarationi dogmaticae Pontificis in hac Constitutione totam Ecclesiam docentis in re quae ad fidem pertinent, acquiescere nollet, aliud objecere non posset, quam Pontificem, etiam ubi Ecclesiam docet, non esse infallibilem. But to this same speaker, P. Suarez and P. Bannet responded, that such an opposition cannot be excused on account of temerity; rather, Bellarmine, lib. 4, de verbo. From these, it is written to appear altogether erroneous and nearly heretical. According to however our opinion, namely that the Total Matter adequate for the confirmation of confirmation is the Anointing of the Chrism completed by the hand of the Bishop, it must be noted regarding the essence of the Sacrament that it is I. That the Chrism may be made on the forehead, as is contained in chapter one of De Layman, and others with number twenty-four. II.

That the Anointing be made in the form of a Cross, according to S. Thomas, III, P., Q. 72, A. 4, ad 3, which is commonly followed by Doctors among Salvi, ibid., n. 25. III. That theunction be made through the hand of the ministering Bishop, as those who teach there state. This concerning the matter of this sacrament; but observe what must be said about its form, which greatly confirms these aforementioned statements. 165. — « I. Even though anointing should be done with the right hand according to the necessity of the precept, it would nevertheless be valid if it were done with the left hand by a finger, because it would truly be accomplished through the imposition of the bishop's hand. Thus Prep. and others "(cum.

QUESTION 3 Article 1. Note 3. at the end number 4. 33. Section 3. Renzius c. 2, q. 6, cum "Peccabit tamen Episcopus graviter contra morem universalis Ecclesiæ." See also Escobar, tome 7. Exem. 3. ubi docet: «probabile esse, non peccare mortaliter»

"More commonly with Busemb. they hold n. 5." Renzius de quaestione 6., cum Coninch. item apud Escob. codex titulus n. 112. peccare graviter Episcopum qui alio digito quam pollice dexterae manus ungereit, tum quia ageret contra rubricam et usum Ecclesiae in re grave; tum quia ad hoc effectum ungitur in consecratione Episcopi ejus pollex, ut ait Renzius. But Escober 1, c. with trans. 3. Res. 22. cum Dic. They, however, in number seven, say that it is probable that this does not exceed venial fault; and indeed, it does not appear fitting to extend the omission of the aforementioned ceremony to a mortal sin. Whereupon they say that if the Bishop mentioned above has an impaired hand, he lawfully might anoint with another finger.

It is by no means certain that the thumb of the Bishop is anointed for this purpose; for in the Pontifical it is stated that after the anointing of the thumbs and indexes of the Bishop, 328 LIB. VI. TREATISE. H. ON BAPTISM. AND CONFIRM.

CHAPTER I Both hands are anointed first, then both his entire hands are anointed: so that the same is done in the anointing of those initiated to the priesthood. 166. — « 2. It is probable that requirement for the validity of the Sacrament demands that "the anointing be made immediately by the Bishop, with no intermediary instrument." "Thus the Son also; and because it ought to be done by the imposition of hands." Example 7. Henry VI says in his first part, note 380, that it is possible for Confirmation to be made with a feather-duster, or some other instrument. But those who have merited this opinion reject it in chapter 2, section 42, note 198, loc. cit., and in question 3, article 1, note 4, together with Suarez, Contra, and others commonly

Reason, because then it would immediately be the imposition of the minister's hand, which absolutely is required; but that other mediate imposition is improperly called an imposition. Nor does it hinder saying that Extreme Unction is validly administered by a medium instrument, as we say in note 710. For Holsm. well responds that there is no requirement for the value of the Sacrament in the imposition of hands in Confirmation, but what is required is congruence with the imposition of hands. Regarding however the quantity of Chrism, that suffices and is required which is sufficient to anoint the forehead of the one to be confirmed in the figure of a cross, as stated in n. 38 and Psalm c. 2. n. 29 with n. 167. — "Resp. 4. The true and necessary form in the Latin Church is the Sign (as the Tridentine Council has it) or the Consign (as Saint [refers to a saint or theologian]) has it. Contend. lib. cap. art. 4.

Four are the opinions concerning the form of Confirmation. I. is that of those who hold that mere imposition of hands is adequate matter for this Sacrament; hence they say that the form consists solely in the Prayer which precedes unction; but this opinion is entirely false, as we have demonstrated above at no. 164. II. est eorum qui tenent impositionem manuum esse solam materiam hujus Sacramenti, ideo dicunt formam esse Orationem tantum quæ præcedit unctionem; sed hæc sententia est omnino falsa, prout probavimus supra n. 164. The sentence is of those who hold that both the preceding imposition of hands, which precedes unction, and unction itself are partial matters; hence they understand the form to coalesce from the aforementioned prayer preceding it, and from the words accompanying the unction, and thus they understand Juvenal. Natal. Alexander.

Gotto, et Turnelli. III. The singular judgment is regarding the Sacrament where it is difficult to perceive; yet a learned Author, with firm reasoning, holds that there must be present in this Sacrament the same Matter which he himself protects, and then desires that it require two forms. IV. Sententia pluralis est de Sacr. ubi non difficulter percipi potest, qua per firmam rationem hic alius doctus Auctor pro unica Materia, quam ipse tuetur adesse in hoc Sacramento, deinde velit eam duplici Forma indigere. Our opinion and the common one, which are defended by all the aforementioned authors according to no. 164, is this: This falls here, and P. Concina associates himself with it, who although he held in part 7 that there are two matters for this sacrament, yet in chapter 3, note 5, he considers one form to be present.

We therefore say that the total matter adequate to Confirmation is the chrism applied by the hand of the Bishop, just as the total form are the

words which the Bishop pronounces: "With the sign of the sign of the Cross, and I confirm thee with the chrism of salvation," in the name of the Father, and of the Son, and of the Holy Ghost. Thus taught St. Thomas in III Pars, Quaestio 72, Article 4. And thus defined Eugenius IV with the Council of Florence in the decree ad Armenos saying: "Forma" autem est: 'Signo te signo Crucis, et confirmo te Chrismate salutis,' cum aliis verbis quae retulimus supra citato n. 164, qui- bus licet Pontifex mentionem faciat expressè de Oratione Apostolorum Actor. 8; nullam tamen aliam docet esse formam quàm hanc mox supra descriptam. Hence it is inferred that Eugenius did not merely silence, but entirely excluded every other form besides this one; otherwise not rightly, because he would not have taught the Church integrally. In hac autem Forma, ut docet S. Thomas, ad æquate omnia explicantur, quæ in hoc Sacramento continentur, nempe Signum militiae Christi, cui adscribuntur Confirmati per illa verba, signo te signo Crucis: Effectus sacramenti, id est gratia roborans per illa verba, Confirmo te Chrismate salutis: et causa gratiae, nempe SS. Trinity through those words, in the name of the Father, and of the Son, and of the Holy Spirit.

The authority of the Roman Catechism is added, which instructing on this Sacrament § 12 says: "This is the perfect and absolute Form of this Sacrament." » And it is added that "The authority of the Catholic Church does not permit us to doubt anything concerning this." » Accedit et Concilium Biturciense sub anno 584, et anno sequenti approbatum; tit. 20. de ac demum à Sixto V probatum; ibi dictum fuit: « Nullam in administratione hujus Sacramenti Formam debitam, et qua ut consuevit Ecclesia, esse, quàm: Consigno te Chrismate salutis. » Led by that moment, P. Concina in the aforementioned place writes, according to our opinion as common it is not necessary to depart from it, namely, that only the words which accompany the Unction are the adequate Form. The Adversaries object to this (from the Acts 8): "They prayed for them that they might receive the Holy Spirit... then they laid hands on them, and they received the Holy Spirit." » Wherefore they say, if Prayer were a Form which the Apostles used, and now in the unction of Chrism there is no Prayer, therefore at least partial Prayer is that Form which is said by the Bishop when he raises his hand.

Bellarminus respondet de Obiectione 1., quod neque aliarum Sacramentorum Formae habentur expressæ in Scripturis; nusquam enim (ait) scriptum est: in Baptismo dicendum esse, Ego te baptizo. Quapropter dicit, quod verbum Dei traditum satis testatur morem universæ Ecclesiæ. The same is held by St. Thomas (loc. cit. art. 4. ad 1.), who says: "For many things the Apostles retained in the conferring of sacraments which are not commonly proposed in the Scriptures." Wherefore Dionysius (cap.

7. Eccl. Here [Dionysius] says: "It is not fitting for those who interpret Scripture to bring forth consummative invocations (that is, the words by which the Sacraments are completed) from hidden mysteries or from the very works themselves performed by God with an occult virtue and to convey them to the common people; but our sacred tradition teaches them without pomp (that is, secretly)." Therefore P. Suarez (loc. cit. in S. Thomam disp. 33.

Section 5.) Following the footsteps of the Angelic Doctor, he writes through the 33rd book. VI. TRACT. H. ON BAPTISM. AND CONFIRM.

CHAPTER II Those words, "They have spoken," either signify that they did not receive the Holy Spirit, or it should be understood as merely a preface to their prayer which the Apostles proposed beforehand, so that those who are baptized might receive the Holy Spirit, just as happens in the Church today: or it should be said that this is the Form of unction, with the Sign of the cross, etc., by reason of the name of prayer, "for" it contains a virtual petition, inasmuch as it clings to the power of God and to the promise. Nor is it to be reckoned as gratuitously asserted by Him the Suarium, for in the Order of the Holy Sabbath it is said that the Bishop, as one praying, pronounces the words: Sign them, Lord, with the sign of the Cross. And when he anoints, he says: I conform thee in the name of the Father, etc. Wherefore Bellarmine, citing chapter 10, says that whenever we say, "Sign thou etc.", we always signify God as the one who signs essentially, and man as the one who signs ministerially. » Idque confirmat Bellarminus idem cap. 10. Objection. I. writing: "Forms of the Sacred Mysteries are everywhere said by the Fathers as mystical prayers, although they are sometimes offered through the indicative word; for always from God is expected and sought the principal operation."

The more reason there is to say this, since it is certain that the form of this sacrament was formerly expressed as a prayer in the anointing with chrism, as can be read in St. Ambrose, book 2, chapter where this form reads: " Deus qui te regeneravit omnipotens, conces- sitque tibi peccata, ipse te ungat in vitam æternam." The Continuator Witasse adds in question 3 on the form of Confirmation, article 3, according to Menardo and Morino, that the Form was deprecatory until the ninth century; hence he subjoins: « Nothing impedes this Form (signing thee etc.) although it is an indicative invocation of the Holy Spirit, etc.» To this corresponds what Saint Leo wrote: « Those who received Baptism from Heretics must be confirmed solely by the invocation of the Holy Spirit through the imposition of hands. » Observe, sola invocatione nominis sancti Spiritus, qua jam in hodierna forma habetur per haec verba: in nomine Patris, et Filii, et Spiritus Sancti. However, whatever there is concerning the ancient

rites in regard to the administration of this Sacrament, in which many changes have occurred, we say that if it is certain that one constitutes the total matter of Confirmation, namely Chrismation by the hand of the Bishop, as we have proven above in n. 164, consequently it must be said that not two but one Form exists. Opponentes dicunt: sed in confirmatione sunt impositio manuum et unctio chrismatis; idcirco oratio quæ præcedit chrismationem est forma respondens impositiōnī; verba autem quæ postea profert episcopus chrismando, est forma respondens unctioni. But herein lies the knot of the question which is debated between us and our Adversaries; and to untie this knot is the task at hand.

The Adversaries are willing to suppose in this Sacrament a double Matter concurring, or as P. Colet supposes, as has been already demonstrated above and more fully explained where we spoke about Matter, that. Impositio et uncio nec sunt duae Materiae disjunctae, nec duae actiones unius Materiae, sed unica, singularis, et indi iuda actio, nimirum Unctio adhibita per manum Episcopi, ita ut to unctio est actio, to autem per manus Episcopi non est actio distincta, sive disjuncta, sed est tantum modus unctionis institutus à Christo, quatenus unctio à solo Episcopo, et non ab alio est peragenda. This is that which Bellarmine wrote, from where he wisely observed, namely, the Saints. Fathers, quando dixerunt Spiritum sanctum dari in uno loco per Impositionem, in altero dari per unctionem, apparuerunt intellexisse quod utraque res, scilicet unctio et Impositio, eadem est, nam et unctio imponendo manum, sive Impositio manus ungendo. Thus also wrote Thomas Waldensis: "Let no one say that formerly the Sacrament was conferred without Unction; for he who lays on hands by anointing does not lay them less." Peter Aurelius expressed the same thing more explicitly: "For they did not wish to join hands in Imposition and Christian (the Fathers) only, but into a single and singular action, wherefore they do not say that Unction is given with hand Imposition, nor hand Imposition without Unction, but Unction by means of hand Imposition." And indeed Innocentius III in cap. unic. de Sacram.

Unction. Hoc tradidit dicendo: « Per frontis Christiane manus impositio designatur, quae alio nomine dicitur Confirmatio. » » And elsewhere in c. Quanto 4. de Consuet. he wrote: « As is the Sacrament of Confirmation, which alone the bishops should confer on baptized infants by the imposition of hands. » Therefore, saying that the Pontiff consecrates through the anointing of the hand by imposition, he plainly teaches the same action to be both unction and imposition of hands, since in the very chrismation the imposition of hands is necessarily contained. For indeed (he says), "The imposition of hands is most correctly called unction and signing." Whereupon Marcion, when some requested that the Lord would lay His hand upon the lunatic, He did so; for with a finger He touched his

tongue and ears. » If however the proximate matter of Confirmation is one and the same action, namely unction through imposition of hands, or imposition of hands anointing, therefore the form pertains uniquely to this single action or unique matter. Furthermore, it is certain that for many ages from the time of St. Thomas until our more recent age, all writers unanimously held that the anointing with chrism is the unique matter of this Sacrament, and the words of the Bishop accompanying the anointing are the unique form.

And hence it is that bishops commonly do not hesitate to have all those who are to be confirmed present at the beginning of the rite, when the minister raises his hands and pronounces the prayer, nor doubt themselves to confirm those who come after the first rite has already been completed. Accedit eius Declarationis allata super Bened. XIV in Constitutione, Ex quo primum, ad Episcopos Graecos anno 1746, die i Martii, cujus verba hinc expedit repetere: « Quod itaque extra controversiam est, hoc dicatur: Nimirum in Ecclesia. » VI. TRACT. Two.

DB BAPT. AND CONFIRM. CAP. II. The Latin Sacrament of Confirmation is conferred by the use of the sacred Chrism, etc., while the same Minister of the Form pronounces the words thereof. "Therefore, there is no mention made of any other Matter than the anointing with chrism by the hand of the Bishop, nor of any other Form than the words pronounced by the Bishop while he anoints; and thus the Pontiff teaches outside of controversy that in the Latin Church the Sacrament of Confirmation is conferred." If this Declaration is not sufficient for some, it is sufficiently so for me and for others who steadfastly hold that the Supreme Pontiff, where he speaks teaching the Church concerning matters pertaining to faith, can never err. 168. — Hence应注意的是，您提供的句子似乎并不是一个完整的拉丁语句子，也没有明确的上下文来提供准确的翻译。如果您能提供更多背景信息或具体的句子，我将能够更精确地进行拉丁语到英语的翻译。

DD. concerning the form, to be substantial, and all mutations following upon an invalid Sacrament in regard to substance, namely I. If the word sign or confirm is omitted. a. If the expression of the SS is omitted. Trinitatis. 3. If the word "thee" is omitted. 4. If the words of the sign of the Cross, or of the chrism of salvation, are omitted.

But to say that I corroborate would be an accidental modification, as when it is congruent even to say sanctification for salvation, as S. Thom. d. art. 4. ad I says. They see and with others commonly: 169. — It is asked whether the form which the Greeks use in this Sacrament is valid, namely when they say: Seal of the gift of the Holy Spirit, signifying that it was given by that seal the gifts of the Holy Spirit? They commonly affirm with

D.D. and Arcadius, and thus Urban VIII declared it. Wherefore improbably 1. n. 6 doubts about the validity of the Sacrament conferred with this form, inasmuch as there is a lack of invocation of the Saints therein. Trinity; it is indeed excessively harsh to say that the entire Greek Church lacks this Sacrament. Besides, Tournely, Prelationes 240, his Commentary, tom. 5, p. 61, in fin., and p. 205, verisimilitudinously say that among the Greeks, no less than among the Latins, the Holy Persons are rightly invoked in this Sacrament.

Trinity, although with such a difference, that in the Latin Church SS. Trinity is invoked after unction, but in Greek it is invoked before in the preceding Prayer. Tres autem sunt effectus hujus Sacramenti. I. Character as per canon question and according to Vid. n. 2. and Croix n. 383. II.

Grace, id est special strength for contending the battles of the Lord: But rather from cap. Nooissimè, where it is declared in Confirmation that grace of the fullness of the Holy Spirit is conferred, similar to that which the Apostles received on the day of Pentecost, as the Catena teaches. Rom. de Sacr. And also sometimes through this Sacrament the first Grace is conferred, as teach S. [Thomas] ad 2. and with Suarez. The effect is spiritual connation in the same manner as it was said concerning divine spiritual knowledge. 3. art. ultim. n. 1. n. 43. Cross number 402. ## DOUBT II. ## Who is the Minister, and what is the subject. 170. Are bishops alone Ministers of Confirmation? — 171. Does a Bishop sin gravely by confirming one who is not his own? — 172.

And what penalty shall he incur?—173. Whether it can presume the consent of other Bishops?—174. Question Nonei. Whether the Confirmer and the One to Be Confirmed ought to fast is being debated? Question 2. Is Confirmation to be ministered in the Church?

And whether it can be conferred on a weekday and at Vespers? — 175. When is the Bishop to perform the confirmation? — 176. By whom are they validly confirmed?—177. Infants?— 178. Is it illicit to confirm children without a cause?— 179. What disposition is required for Confirmation?— 180.

Is it licit to confirm the insane? — « Resp. » I. The minister of valid Confirmation » is alone and altogether every Bishop, even one who is excommunicated or heretical: through commission or delegation from the Pontiff, even a simple Priest. It is common. See. End. 5. t. 3. c. 6.

Bonac. d. 3. p. 2. It is asked whether the Pope can grant a simple priest the

faculty of confirming? It is certain that only the Bishop is the ordinary minister of this Sacrament, as Per Frons determined where he said: "When other sacraments can be administered by a simple Priest, this (namely Baptism) should not be conferred except by the Supreme Priest, that is, the Bishop." » And the same [Council] defined chapter 3 where it said: «If anyone says that the ordinary minister of holy Confirmation is not solely the Bishop, but any simple priest, let him be anathema. » A dubium arripiet, an ex concessione Pontificis possit simplex Sacerdos confirmare tanquam Minister extraor- dinarius. He denies that, according to common assertion, in question 3, article 2, number 1 and number 18.

But the true opinion is affirmed with S. Th. 3. part. qu. 72. art. 11. ad 1. 6. p. 1. n. 386. cum . That too today is no longer to be doubted from the Bull N. SS. P. Benedictus XIV., incipiente Eo quamois tempore, edita 4 Maii 1745. (in n. 120. §. 8.) ubi Pontifex indulsit ut Cophtis Sacerdotes Missionarii pro necessitate possint ministrare Confirmationem, additque hoc non esse novum sed usitatum a S. Gregorio M. et aliis Pontificibus; refertque P. Zachariacharia apud Croix lib. 6. pag. 378. Eugenium IV concéssisse cuidam Religioso Franciscano Missionario facultatem non solùm confirmandi, sed etiam Chrisma conficiendi. 171. — « 1. Even though a Bishop gravely sins if he confirms either in another Diocese or subjects who are not subject to him without the consent of his own Bishop, even tacitly, on account of the defect of jurisdiction: (A Bishop confirming within another Diocese, and even his own subjects, incurs suspension from the Pontifical authorities ipso jure according to Trident 334 LIB.) VI.

TREATISE. Two. ON BAPTISM. AND CONFIRM. CAP. II. Session 6, chapter 5, and the Declaration of the Sacred Congregation as quoted in number 26: However, the Confirmation remains valid because this does not require necessity of the Sacrament, but only of a precept. 2.

The Bishop is excused from sin if he confirms those coming from another Diocese; for it is presumed that there is tacit consent of the other Bishop, whose approval is deemed fitting: especially if such confirmation has been so received by custom, or if they can be confirmed against their own will. Thus against Bonac. d. 3. de p. d. 4. question 4. doctorate 3. Sao. Consent and others. 172. — Is it asked whether the Bishop can confirm aliens in his diocese?

Per se loquendo (ut ait n. 10 etiam sub suspensione, sed ubi habeatur hæc suspensio, non indicat, nec ego inveni; tantùm enim adest suspensio in Episcopum, qui ordinat alienum subditum, ut dicenus de Or- dine n. 762. There is indeed a difference in reason between the Bishop who ordains and the one who confirms; for the Bishop who ordains ought to prove those

whom he ordains, but the one who confirms confirms those who are present. Then too certain and common is it ap. DD. that when and by custom this is permitted, it can lawfully be done, as they say on page 216, notes 18 and 209. Response 1. And they rightly say that this is the practice commonly received, n. 7 and Croix l. 6 p. 1 n. 392 173 — However Ledes ll. cc s. 3 num. 25 with Sa, etc., and Croix loc. cit. with Prop.

On the contrary, Burgh. et Delb. commonly and more probably hold that it is licit for Bishops to confirm alien subjects, because it is always presumed, unless otherwise becertained, a tacit consent of other Bishops who are believed to wish their own flocks not to be deprived of this Sacrament, since no inconvenience arises therefrom itself. The Bishop will all the more licitly be able to confirm the Ordinandum who brings the dimissorial letter of his Ordinarius, because then a good presumption is made of the consent also of the present own Bishop, as they say in 3rd article, 2nd part, n. 2. Cross of 3. 392. with note 24. with 174. — It is asked 1. When the Sacrament of Confirmation is administered, both the Confirmer and the Confirmand ought to be fasting? It seems that one should affirm what the canon "On Jejunation" and the canon "On Bishops by Common Consent of the DD." declare not to be a precept but counsel; hence this sacrament is often conferred after the meal, especially when a large number of people are to be confirmed; thus 5. tractatus 5. caput ultimum n. 2. 20. Doctor unus pagina diece quarta.

Coninck question 72, article 12. Goodness. D. 3. de Sacr. qu. un. p. 2. n. 13. with many, Granad. tr. 4. Decretum, lib. 2, cap. 3, num. 33 et Escobar, lib. 2, num. 175, cum de Confirmacione. It can be said that the law concerning the conferring of this sacrament before lunch is not commonly observed; for custom has almost prevailed that such a sacrament should be conferred after lunch. Question 2.

Must Confirmation be absolutely conferred in the Church? And should it be on a feast day? Nunnus thinks that question 72, article 2, around the end, holds that it is fitting to mortally confirm someone outside the Church, and it is congruent to solemnly baptize outside the Church, as he says, contrary to the usage of the Church. Nevertheless, it is probably taught by .38 sect. 1 n. 2 n. 14 p. de potestate. Bishops allege 30. n. 13. Escob. 1. 2. n. 178 cum tr. 3. et n. 32 cum Henr. et Sa posse absque peccato gravi ministrari confirmatio in aliquo loco decenti, etiam extra loc. cit., non esse credendum talem consuetudinem confirmandi in Ecclesia obligare sub gravi. Whereupon it seems to obligate at least under a light reason, unless some reasonable cause excuses, whatever Palau and Escob say.

Whatever, however, be the case regarding the ancient custom concerning the time of administering this Sacrament, Granada and n. 34 state that the usage has been obtained, according to which Confirmation can be conferred on any day, whether festal or ordinary: and at any time, whether morning or evening. Coninkius addidit id esse verum etiam in locis Generali Interdicto subjectis, ex c. Responso da Sent. Excomm. 178. — "3." The Bishop commits a grave sin if for a long time he does not confirm: because he deprives his subjects of a great good. This is certain among all; see no. 210. Cross n. 388.

Conc. pag. 216. n. 18. n. 13. The bishop is nevertheless bound to circuit the diocese at his own expense for confirmation, unless there be a reasonable custom of demanding expenses. Hence Croix says in the same place with the Dictionary: to gravely sin against the Bishop, who for eight or ten years delays in circumambulating at least the principal places, unless he be excused by moral impossibility. Si autem justa causa adsit, non peccat qui differt per tres vel plures annos; Croix cum c. An peccet graviter Episcopus non confirmans moribundum petentem? They affirm with Escob. Lugo, etc., says that one does not at all sin, because it excuses inconveniences and is in accordance with common practice: And they adhere to n. 25, 176. — « Resp. 2.

All are validly confirmed, and only those who have been baptized but not yet confirmed. The reason is from that same Act. 2. He hath filled all things: both from usage and tradition of the Church; and because all stand in need of His operation, and are capable thereof. Licitly, however, are confirmed those same things validly, provided that there be no obstacle set either to the Sacrament or to its effect. The reason is evident from the aforementioned statements. 336 LIB. VI.

TREATISE. Two. ON BAPTISM. AND CONFIRM. CAP. II. 177. — "I." Even infants and those severely incapacitated in reason earnestly receive this sacrament.

Although it is fitting that infants be deferred until the use of reason on account of the irreverence of the Sacrament, and because of the danger of repetition, and for the use of the Church: nevertheless, on account of a reasonable cause they are lawfully given even before this, e.g., if there is fear of prolonged absence of the Bishop; or if he should rarely come to these places; also if an infant be in danger of death (in which some say it ought not to be given): finally, if he be the son of a Prince. "tr. 3. c. 2. ® (Thus holy it was in the Council." V. Me- » diol. ut refert P. Zacharia apud Crouci libri sexti paginis unius ad nomen tertium go. Because indeed children could be anointed with chrism not solely on account of the

danger of death, but also on account of other causes; it is certain among all, that infants may lawfully be confirmed if just causes occur, namely the danger of death, the absence of the Bishop, etc., as commonly admitted in Bus. n. 16, c. 3, q. 71, art. 8, ad 4, where it is said that this Sacrament should be given to children who are on the point of death, so that they may achieve greater glory. It is licit to confirm children where such practice prevails, as Soto says, and n. 2 and Vioaldo testify, who attest that in Spain infants two or three years old are confirmed.

But with these and similar causes, it is commonly expedient for all that reason be expected in the confirmations of those who use the reason, as is said in the Catechism, where it is stated: "Confirmation can indeed be administered to all after Baptism, but it is less expedient that this be done before the children have acquired the use of reason." Wherefore if the twelfth year does not seem to be awaited as fitting, certainly this sacrament is most suitably deferred until the seventh. Whether, however, it is licit to confirm infants before the use of reason? Many authors say, namely n. 5. Escob. de p. 45. n. 227. n. 22. cum Granad. nullam agnoscere culpam in Episcopo, qui infantes confirmaret, quia hæc erat antiqua consuetudo, et talis est hodie in Ecclesia Græca; testaturque Vioaldus in Hispaniis infantes communiter confirmari in ætate duorum, vel trium annorum; tantò magis, ut aiunt, quia nullibi facta videtur de hoc prohibicio. But this cannot today be said more, since the Pontiff blesses.

XIV. in Constitutions 129. Thus it was declared in §6 edited in the year 1745 in volume 1 of his Bullarium: "Nevertheless, such a practice has been guarded against by the Roman Church... in this manner, with the careful decrees of Pontifical consultations, that the Sacrament of Confirmation be conferred from the font of Baptism only at that age in which faithful persons... should understand that only between them Baptism and Confirmation differ in natural life as much as generation does from increase." Hoc tamen idem Benedictus post plures annos a hac Constitutione edita, in suo celebri Opera de Synodo l. 7 c. 10 nu. 5 scripsit, quod licet Catechismus asserat non expediendum ut Confirmationem ministretur puero ante septennium, tamen non prohibet ne ipsi ullo casu conferatur. He added that upon this reflection, from Sylvius, Suárez, Sylvester, Roncaglia, Juvenin, and Card., Gotti, et aliis, affirmant ipsi, adhuc juxta prae- sentem disciplinam, licite posse conferri Confirmationem pueris etiam ante septennium, aliqua causa urgente, nempe si Epis- copus deberet per longum tempus à sua Diocesi abesse, aut si puer esset in periculo mortis, aut ob aliam similem causam. Speaking however about Amenti, Benedict says in loco citato n. 180: to be ministered to them Confirmation must absolutely be.

Doubting whether one is confirmed, he can be confirmed conditionally; but a greater doubt is required than for one who is with the nun. Gob. etc. 179. — Confirmandus autem existens in mortali debet se disponere ad Sacramentum vel contritione, vel attritione una cum Confessione; secus tamen, si abesset conscientia culpae gravis, ut quodammodo cum communi. Confessionem autem videtur esse de consilio, non de praecepto, ut communiter dicunt DD. apud . cit. et clare colligitur ex cap. Ut jejuni dist. 5. de Conscr. ubi dicitur: Ut monetatur Confessionem facere prius. 180. — « 3. Even perpetually insane (especially if they have ever possessed the use of reason) they are licitly confirmed; although by chance they will never be spiritually combatants. Thus . . c. Con. qu. 72. art. 8. nu. 83° (Est commune cum et n. 23. contra Sot. Val. etc.)° DOUBT III. Concerning the Necessity of Confirmations and Ceremonies. 181.

Is there of itself a grave obligation to receive Confirmation? —182. But perchance by accident, namely on account of avoiding [something]. Periculi. II. Scandali. III.

Disdain. And when does contempt occur? — 183. Whether there is a grave obligation to receive Confirmation before the reception of the first [baptism]? Tonsure? — 184. Whether the ceremonies should be observed in Confirmation? And what is to be noted I.

Concerning the vestments of the bishops? II. Regarding the place of Chrismation? And whether those to be confirmed should approach fasting? — 185. It is also required 1. Patrinus. 2.

That this may be one. 3. That it may be confirmed. — 186. Dub. 1. Who sins gravely who holds not being confirmed? Dub. a. Does an godfather who is not confirmed contract affinity? — 187.

It is also required that the Patrinus be distinct from the godfather of Baptism. Can monks be permissible as sponsors for Confirmation? — 188. Is the forehead band of the Confirmand obligatory? And whether the final blessing of the Bishop is necessary? 181. — « RESP. 1. » It is neither necessary to salvation by a medium necessity, nor by a necessary precept. It is commonly held by the Saints, because neither is it from Scripture, nor from the 338th chapter.

VI. TREATISE. Two. ON BAPTISM. AND CONFIRM. CAP. II.

By tradition, neither by termination nor by institution of the Sacrament is a precept collected. And the Canons, which assert the contrary—namely,

that they are sufficiently explained out of necessity to be better—have said by themselves: because sometimes per accidens it can be necessary for salvation from a precept of charity toward God, or one's neighbor, or otherwise, e.g., to avoid scandal, or on account of conscience, where someone greatly fears lest in torments he lack this Sacrament. 1. To neglect this Sacrament, secluded by scandal and with contempt, is not mortal. Suarez, 5. tom. 3. c. 5. Good. d. 3. q. 1. p. 2. where he teaches from many other sources that there is no precept to receive that. 2.

Even though the omission arises from contempt, for instance, if someone considers it to be trivial or beneath them, such an omission is mortal; yet such a case is not deemed so, when one neglects an offered opportunity which they would later find difficult to obtain. Ita commun. contra Sylo. » v. Confirm. et . 2. cap. 4. This is a great question between the Doctors: whether there is a grave obligation in accepting this Sacrament of Confirmation? The first opinion affirms what they hold on page 122, number 5.

Concilium, tomum 8., pagina 223., ex nota 1. Habert t. 5. p. 321. c. 9. with Ang. and Hugone à S. Vict., likewise S. Bon. St. Ant. Alens. Silo and Palud in Paluüm according to chapter two, section three. The aforementioned authors A.A. state that this obligation arises both from a natural precept and a positive one.

From the natural law, because a grave detriment is incurred by him who in the struggle of temptations neglects to fortify himself with great strength of this Sacrament, it was instituted for this purpose. Ex positivo, tum Divino, ut probatur ex Actor. 1., ubi Christus Dominus: "Præcepit eis ab Hierosolymis ne discedent, sed expectarent promissionem Patris: nempe Spiritum sanctum, cujus donum tribuitur in Confirmatione; tum Ecclesiastico, nam Urbanus Papa in cap. 1. All 1. Distinction 5. de Confirmatione sic ad Christianos scripsit: "Omnes fideles per manus impositionis Episcoporum Spiritum sanctum post Baptismum accipere debent, ut plenè Christiani invenerintur." "This too Pope Melchiades explained in the chapter 'Spiritum sanctum' of his work 'Eadem'. " He [Distinguit] said: "To victors are necessary the aids of Confirmation."

"Confirmation is from the Catech." From where this Sacrament is said: « Although however it is not necessary, » nevertheless it ought not to be omitted by anyone... For what God has proposed commonly for sanctification to all, should be earnestly sought by all and from every effort. » Likewise, Saint Cyprian in his Epistle 70 wrote: « It is also necessary to anoint him who has been baptized, so that he may receive the chrism, that is, the unction of God, and be able to possess the grace of

Christ. » The second opinion denies, speaking per se, that any faithful person is to be held under a grave Confirmation; and they guard this with the gravest Buss. AA., as stated in n. 9. Suares p. 3. D. 38. sectio 1. pars 1.

Regarding this, Sotus in D. 7, question 1, article 8, point 4, with Cocar. Abb. OF CONFIRMATION. DOUBT. III. 339 XI, p. 437. concl. i. et 2. Wigandt. trans. ii.

From Ex 6, note 89, note 5, in question 2. Response 2. Anacl. de n. 68. cum communi ut asserit, Sporer tom. 3. p. 216. n. 33. Elbes tom. 3. p. 52. n. 8. qu. 3. a. 2. n. 9. Cross 1. 6. page i. n. 364. n. 62. with others. And openly adheres to this opinion D. Thom., for in III Part., qu. 62, a. 1, ad 3, thus he says: "Some (Sacraments) are necessary without which there is no salvation:" some however cooperate toward the perfection of salvation;" and in this way Confirmation is necessary to salvation, although "without it salvation can be, provided that the contemplation of the Sacrament not be omitted."

» Item in 4. D. 7. qu. i. a. i. q. 2. repetit quod Confirmatio est necessaria non ad salutem, sed ad perfectionem salutis, « congruent equus ad ambulandum, et medicina ad sanum vivendum. » He also adds that certain Sacraments are so necessary that without them (a man) cannot live in spiritual life; Baptism and Penance are fitting: "certain others without which one cannot achieve an effect that is conducive to well-being in spiritual life;" and in this way Confirmation, and all the rest are necessary. However, the contempt of any Sacrament is perilous. It is clarified more clearly in the cited question 72, article 8, ad 4, where it is stated: And thus Hugo from Saint Victor says: It would undoubtedly be very dangerous if one were to pass from this life without Confirmation: not because he would be condemned, except perhaps on account of contempt, but because a detriment to perfection would result. » Neither does Scotus dissent in 4.

D. 17. qu. i. n. ii. ubi ait: « Extrema Unctio est instituta à Christo, et Sacramentum Confirmationis, et tamen neutrum est simpliciter necessarium, nec est præceptum de isto vel illo recipiendo. » Therefore, the authors of this opinion say that there is no precept, neither natural nor positive, in receiving this sacrament. Not natural, because although Christ the Lord instituted this Sacrament as a special means to overcome hostile snares, yet other general means exist, such as frequent reception of the Eucharist, prayer, penance, etc., by which strength of the Soul can also be obtained. Not positive, because such a precept is nowhere found expressed. For that which they would receive and, as founders of the Church, would undertake the ministry of preaching, they could do so only with supernatural knowledge and endowed with the gifts of prophecy, of

tongues, and of miracles. Another, however, which is found in c. Omnes, and cap. Spiritus S. as above, is understood not as a necessity of precept for salvation, but for the perfection of salvation, as teaches : for confirmation does not make man perfect simply, and with regard to substance it pertains only to baptism, but with regard to the perception of abundant grace, or to be more spiritually disposed, to which man is not bound under grave obligation.

Thus equally is to be understood in chapter 3, paragraph 4, section 0 of the LIB. VI. TREATISE. I I. DEBAPT. AND CONFIRM.

CHAPTER I I. The Roman Catechism is expressed in a manner appropriate for immediate and adequate imparting of the habit of perfect Christian religion; it is stated in § 17 seq., that "those who are to be confirmed must be instructed." "And furthermore it is added: 'The Catholic Mother Church earnestly desires that those whom she has regenerated by Baptism be perfectly formed into the Christian manhood.'" » Wherever noted, not said that the Church commands, but opts, that what it expresses may not lack a command of the Church. To the text S. Cyprianires - pondetur, quod S. Doctor does not say that it was necessary to receive this Sacramentum tunc with necessity of precept, but that it was necessary to receive it, in order to obtain the grace thereof; whether or possibly some other mode can be understood, namely, that without Confirmation it was not licit to administer Baptism at that time when Baptism was simultaneously accompanied by Confirmation, and that this is to be taken into account

Of it. 3. Distinction 5. on Consecration 182 — The doctors of the second opinion say that although omission per se of reception of this Sacrament is not mortal, nevertheless it can commonly be accidental in three cases and the first. If anyone, by omitting this Sacrament, should firmly believe that a danger is imminent to himself in losing either Faith or Charity, and if he were to omit it with scandal, namely if he were suspected of lack of faith, and it were thought that Confirmation would be gainsaid, or that it was not considered a Sacrament, then Palaus, num. 58, together with others, commonly holds this. III. If the sacrament be omitted from contact with the aforementioned, whom others understand to intervene, when one can conveniently receive the sacrament and neglects it; for this, although not formal, they nevertheless regard as a virtual contempt. Habetor, Concina, et Nat. apud c. c. hoc sentiunt. Et ad huius opinionis favorem procedit Scotus in D. 7, quaest. 2, ubi ait: « Judicaretur enim contemptus, si omnimoda opportunitate oblata non susciperetur ».

Others however very probably say that contempt intervenes only at that time, when one neglects to receive Confirmation, not because he is

detained by some shame or inconvenience, but because he regards it as trivial; for through negligence men often forego many spiritual goods which they do not consider themselves as despising. Thus in Bus. shortly below ch. v. Regarding this, n. 6 in chapter Ehed, n. 20, and Psalm n. 57 with Thomas 2, 2, q. 186, art. 9, ad 3, he says: "It must be said that someone then transgresses out of contempt when his will refuses to submit to the order of the law or rule, and from this proceeds to do contrary to the law or rule." When however it is converted on account of some particular cause, such as concupiscence or anger, it is induced to do something contrary to the statutes of the law or rule, and yet it does not sin out of contempt. If therefore one does not contemn the law by transgressing it through concupiscence, neither will he contemn Confirmation who neglects to receive it in order to suffer some inconvenience, blush, or similar. This is clearly confirmed by the Catechism, where speaking about this Sacrament it distinguishes negligence from contempt, saying: "Often it happens that the faithful, in receiving this Sacrament with a certain negligence and delay, use; for those who have reached such a degree of impiety as to dare to despise and reject it, there is nothing we can say; etc." Least of all should it be denied when.

However, after having written these things, I find it declared by Benedict XIV in the Bull Etsi pastoralis (see in Bullar. tom. 1. Bullam 57. §. 3. n. 4.) quod omnes suscipientes Confirmationem a Presbyteris Graecis invalide confirmentur; unde Pontifex adjungit, eos admonendos esse de obligatione gravissima suscipienda cum possint Confirmationem a Episcopis. In the words of the Pontiff: "They are to be admonished by the ordinaries of the places as being held under a grave obligation of receiving Confirmation if (when they can) they refuse to approach it and neglect it." Therefore, the second opinion referred to above, namely that the faithful are not bound by a grave obligation to receive Confirmation, does not seem today sufficiently probable. 185. — « 3. Precept, which is found in "cap. 4. de reform., does not bind all; for although it is hypothetical, it merely concerns those to be ordained or initiated with the first tonsure. The permission to confer orders is not a mortal sin according to the teaching of St. Thomas, as stated in Decretum 38, dist. 1, and who adds that the bishops do not commit a mortal sin by ordaining those not confirmed, nor if they themselves are not confirmed when ordaining.

See Reg. lib. 28. cap. 3. It is asked whether there is a grave obligation to receive this Sacrament before receiving the first tonsure? They affirm number 8. Renzi idem tertium quatenus de hoc. cum Tolet. Fornar. et tr. 16. R. 4. ex præcepto Tridentini sess. 23. c. 4. ubi dicitur: « Prima tonsura non initientur qui Sacramentum Con- firmationis non susceperint. »

And concerning the confirmation of this precept, Renzius l.c. refers to a certain Declaration of the Sacred Congregation on September 27, 1621, ap. Nicolaus, ubi dicitur quod qui susceperit primam tonsuram vel ordines non confirmatus tanquam male promotus non possit ad illos ordines ascendere nec recipere beneficia sine sedis apostolicae dispensatione. But others commonly deny that the aforementioned words of Trent impose a grave obligation; see no. 9 verse. Fifthly, where it is thus said: "He sins who does not make himself confirmed before every Ordination"; yet he incurs no censure, because the negligence of such omission is not mortal; and because this is safeguarded by law. The same opinion holds Sotus, D. 24, q. 1, art. 4, .38, sect. 1, v. Concerning which, . 6.

Escob. eod. tit. n. 139. n. 63. §. 4. n. 4. . c. cum . The same is held by the learned Cabassut. Book 3, Chapter 3, Article 10, when speaking generally, and adding Suarez, Coninck, he extends this doctrine 3 4 2 LIB. I V. TREATISE. I I. DEBAPT.

AND CONFIRM. CAP. I. and also to the conferrals of Orders. And the same is said by Nao. I. c. n. 4. concerning the bishop ministering. Reason, because the words of the Council contain only a warning, since the imperative form of words per se do not imply a precept, as Cajus says. Nao.

Sa, et Sayr., quos retulimus lib. 4. num. 261. ex Glosa in c. de praescript. et ex D. Thoma, qui 2. 2. q. 166. ar. 9. ad 2. dicit: « Nec in lege Ecclesiae omnes ordinationes obligant ad peccatum mortale. » » Either because the Tridentine words do not contain the strict precept, hence this will not be considered a grave matter, or because the precept is thus interpreted according to custom. However, those authors justly say that it is not to be excused even by a venial sin (contra Holc. 1. 2. p. 45. n. 518. Great. D. I. n. 9. et qui nullam in hoc culpam agnoscunt) saltem ob quamdam derodinationem, quæ in tali omissione interveniret.. 184. — « Resp. 2. Concerning the ceremonies of Confirmation, it is to be known that the following are the sequences.

I. Although the rites to be observed in the Pontifical are prescribed, gravely a Bishop shall commit sin if he confirms without the pluvial mitre and sandals; as well as if he confers sacred orders in merely the vestments of Mass; t. 10. R. 31. Nevertheless, the omission of some alabastrum or candle will not be a mortal sin. It can be conferred in place of any decent thing, even outside the Church, and during a meal without fasting, at any time of the year. I. Notandum quoad vestes Episcopi ministrantis, in

Pontificali Romano præscribitur, quod Episcopus debeat esse indutus amictu super rochetum vel superpellicem si sit Religiosus, ac stola pluviali albi coloris, mitra et baculo.

He says however in tractate 11. R. 31. To sin only venially a Bishop who would confirm without sacred vestments, saying, this to be an accidental ceremony. But rather himself and ... 4. Sporer t. 3. p. 217. n. 43. and Renzi q. 3. say that it is mortal to omit all the aforementioned instruments, since they belong to the reverence of the Sacrament; But if some one thing alone is omitted, because it does not seem to be a matter of great gravity: And thus Busembach understands it when he refers himself to the doctrine of Dian. However, attention should be drawn insofar as regards the staff that it suffices that the staff remain publicly exposed, or held by a cleric, as is shown by the figure depicted in the Pontifical. Item S. C. de Propag. The Faith on December 7, 1716, according to Pittoni at number 532, declared that sufficiency is met if the Bishop confirms with the mitre put on, using merely the stole.

Note II. Regarding the ceremonies of alabastra and candles: the omission of the alabastrum, secluded from scandal, can never be mortal, as they rightly say. 37th section i., n. 9, and Barbosa, Gran. 41. They absolutely deny that the omission of the candle can ever be mortal, since this ceremony is by no means prescribed in the Pontifical, but has been introduced solely on account of custom. Notandum III. quoad locum, Nunnum apud n. 14 putare quod sit mortale confirmare extra Ecclesiam, sed hoc est contra communem. Others however, according to DE CONFIRMATIONE. DUB. III. 343 n. 289. They say that this lacks all fault; meanwhile Confirmation is administered in a fitting place.

But more commonly Bonac. and Croix II. cc. ac n. 32, with Con. et Prapos. consider this to be a venial sin: That I think is true, unless some excusing cause intervene, in accordance with what is noted in the rubric of the Pontifical, where it is said: "This Sacrament can be conferred less solemnly on any day." "hour, and place, from cause to discretion n. 6, always licitly able is the Bishop to confirm in his domestic Oratory." IV. Notandum quoad jejunium, quod licet c. ut jejuni. Distinction 5 concerning conscription ordains that those to be confirmed should come fasting; and in the Roman Pontifical it is said: The candidates for confirmation ought to have fasted. They nevertheless say and Croix I. c. that to be merely counsel; But better they say this in the same place. Aocra, et tertio capite tertii nuperii secundi et Renzi quaestionis quartae jam invaluisse usum, quod hoc Sacramentum conferri possit etiam post prandium.

Thus Confirmation can be conferred on any day, as they say in section 37,

paragraph 2, and with Gran. and 188 — "II." Under grave guilt, as taught by the common law, a Patrinus is required; and this one alone (although. Escob. tamen ex Con. docet non esse peccatum mortale: quod probabile est docet Quintan. 1. 2. sect. 7. But no affinity is contracted, if it be done out of necessity, as I teach. Therefore, a sponsor is required, and indeed under grave obligation, as Busenb. says in his second part, page 46, note 222, according to chapter 2 and 6. Cause 30. Qu. 1.

The godfather of Confirmation is to be designated by the parents, or by the Bishop in their defect, according to Croix n. 397 with Gob. (this being understood if the one to be confirmed is a boy). It is said and required that the godfather should be one person, as held by Busemb. and ex; for thus it is determined at the end of cap. ds Cogn. Spir. in VI. ubi dicitur: « Non plures quàm unus vel una accedere debent ad suscipiendum de Baptismo... De Confirmatione idem judicium est habendum. » » Although Triduum admits two [to be admitted] in Baptism, since it disposes of nothing concerning Confirmation, the ancient law stands. III. It is required that this godfather be confirmed, according to the precept found in chapter Baptismate, 102. Distinction 4 on Consecration, where it says: "In baptism or in confirmation, one who is not himself baptized or confirmed cannot receive another."

And it is found in the Roman Pontifical: "None who is not confirmed can be a sponsor at confirmation." » 188. — Sed hfc dubitatur i. an peccet graviter, qui non confirmatus teneat? Busemb. dicit quod Escobar negat esse peccatum mortale sed errat; nam hic auctor opponit etiam ad collationes Ordinum. And the same is said by Nain. ibid. n. 4. concerning the Bishop officiating. Reason, because the words of the Council contain only a warning, since the imperative words themselves do not of necessity imply a precept, as Cajus says. Nao.

Sa, et Sayr., quos retulimus lib. 4. num. 261. ex Glosa in c. de praescript. et ex D. Thoma, qui 2. 2. q. 66. ar. 9. ad 2. dicit: « Nec in lege Ecclesiae omnes ordinationes obligant ad peccatum mortale. » » Either because the Tridentine words do not contain the strict precept, hence this will not be considered a grave matter, or because the precept is thus interpreted according to custom. However, those authors justly say that this is not excused by a venial sin (contra p. 45 n. 518. Great. D. i. n. 9. et qui nullam in hoc culpam agnoscunt) saltem ob quamdam deordinationem, quæ in tali omissione interveniret. 184. — « Resp. 2. Regarding the ceremonies of Confirmation, it is to be known that the following are the sequences.

I. Although the rites to be observed in the Pontifical are prescribed, gravely a Bishop shall commit sin if he confirms without the pluvial mitre

and sandals; as well as if he confers sacred orders in merely the vestments of Mass; t. 10. R. 31. Nevertheless, the omission of some alabastrum or candle will not be a mortal sin. It can be conferred in place of any decent thing, even outside the Church, and during a meal without fasting, at any time of the year. I. Notandum quoad vestes Episcopi ministrantis, in Pontificali Romano præscribitur, quod Episcopus debeat esse indutus amictu super rochetum vel superpellicem si sit Religiosus, ac stola pluviali albi coloris, mitra et baculo.

He says however in tractate 11. R. 31. To sin only venially a Bishop who would confirm without sacred vestments, saying, this to be an accidental ceremony. But more truly he himself . and . 4. Sporer t. 3. p. 217. n. 43. ac Renzi q. 3. dicunt esse peccatum mortale omittere omnia prædicta instrumenta, cùm ipsa pertineant ad reveren- tiam Sacramenti; Secus si aliquid tantùm omittatur, quia id non videtur esse materia gravis: Et sic intelligendus Item S. C. de Propag. The Faith of 7 December 1716, as stated by Pittoni at no. 532, declared that sufficiency is required for the Bishop to confirm with a sinamita, using merely the stole. Notandum II. quoad cæremonias alapæ, et cerei: omissionem alapæ, secluso scandalo, nunquam esse mortalem, ut rectè dicunt 37. sect. i. n. 9. et Barbosa, Gran. 41.

They absolutely deny that the omission of the candle can ever be mortal, since this ceremony is by no means prescribed in the Pontifical, but has been introduced solely on account of custom. Notandum III. quoad locum, Nunnum apud n. 14 putare quod sit mortale confirmare extra Ecclesiam, sed hoc est contra communem. Others however, as n. 289 says, hold that it lacks any fault, and merely the minister of Confirmation should be provided in a decent place. But more commonly Bonac. and Croix II. cc. aa n. 32, with the consent and proposition, consider this to be venial: That I think is truer unless some excusing cause intervenes, which just what is noted in the rubrical title for the pontiff, where it says: "This sacrament can be conferred less solemnly on any day, at any hour, and in any place, by reason of necessity n. 6 always permitting the Bishop to confirm in his domestic oratory." IV. Notandum quoad jejunium, quod licet c. ut jejuni. Distinction 5 concerning conscription prescribes that Confirmandi approach in a state of fasting; and in the Roman Pontifical it is stated: Confirmandi should have been in a state of fasting.

They nevertheless say and Croix I. c. to be such a great counsel; But they better say this in the same place. Aorsa, et tertio capite tertii nuperii secundi et Renzi quaestionis quartae jam invaluisse usum, quod hoc sacramentum conferri possit etiam post prandium. Thus Confirmation can be conferred on any day, as they say in section 37, chapter 2, and with

Gran. and 188 — "II." Under grave guilt, as taught by the common law, a godfather is required; and this one alone (although). Escob. tamen ex Con. docet non esse peccatum mortale: quod probabile est secundum Quintan. 1. 2. sect. 7. But no bond is formed if it is made necessary, and it does not entail affinity, as I teach.

Therefore, a sponsor is required, and indeed under grave obligation, as Busenb. says in his second part, page 46, note 222, according to chapter 2 and 6. Cause 30. Qu. 1. The godfather for Confirmation is to be designated by the parents, or by the Bishop in their absence, Croix n. 39. with Gob. (this being understood if the one to be confirmed is a boy). It is said and required that the godfather should be one person, as held by Busemb. and ex; for thus it is determined at the end of cap. de Cogn. Spir. in VI. ubi dicitur: « Non plures quàm unus vel una accedere debent ad suscipiendum de Baptismo... De Confirmatione idem judicium est habendum. » » Although Triduum admits two [to be admitted] in Baptism, since it disposes of nothing concerning Confirmation, the ancient law stands. III.

It is required that this godfather be confirmed, according to the precept found in chapter Baptismate, 102. Distinction 4 on Consecration, where it says: "In baptism or in confirmation, one who is not himself baptized or confirmed cannot receive another." And it is found in the Roman Pontifical: "None who is not confirmed can be a sponsor at confirmation." » But here there is doubt: whether he gravely sins who holds without confirmation? Busemb asserts that Escobar denies it to be mortal sin, but he errs; for this Author (De) explicitly teaches the opposite, because such a godfather would violate the Church's precept in a grave matter, and thus it must be held according to n. 3 and common assertion, as that same author asserts. It is doubted whether the parent who has not been confirmed contracts affinity?

The first opinion affirms, and this is held by the Council. I. c. Sotus in IV. d. XLII. q. I. a. 3. et Naqarr. de Matr. I. 7. D. 60. n. 19. item Sa, de n. 47. qui probabilem putant, congruent etiam censet Croix I. 6. p. 1. n. 400. Reason, because (as they say) it does not per se and properly denote the invalidity of the act, but only prohibition, namely, either (as Sard. says and n. 131 states) because at times the word sounds the same as what is not seemly or expedient, according to law. Nepos, de capitulum 102, articulus 10, caput 2, canon 24, nomen 11.

Bon. de p. 5. §. 2. n. 20. et Renzi. de qui refert Declarationem S. C. Concilii die 13 Junii 1654. apud Eamdem ut probabilierem tenet . c. n. 20. cum se probasse lib. 6. Doctor 38. number 20. Then because he agrees with baptism in respect to the father who has not been baptized, so also in

confirmation he who has not been confirmed. Both are probable, but the second is more probable, at least, because it is supported by greater authority through the declaration. S.C. 187. — "Debet autem patremus esse diversus a patrino Baptismi, nisi aliqua adsit causa in contrarium." (ut dicunt 49. cum 308. cum Sylo et Synodo Coloniensi. The godfather, however, ought to be of the same sex as that of the one to be confirmed, according to the usage of the Church and the Pontifical ritual of Rome, as Croix says in ibid. with Aversa), although contrary to sections 7 and 14, he who acts thus does not commit a mortal sin.

Reply 21. And not a Monk (unless made Bishop): yet those and nuns can be admitted without fault, teaches the same, unless their Religion prohibits it. By that name, however, it does not exclude mendicants; so states t. 6. >R. 32. Neither does it matter, secluded by custom, whether a person is male or female. Neither does he contract an obligation to instruct the confirmed one, even if it is said that, according to 51. cum 397. at the end, if the confirmed person has not been instructed and another fails to do so; but only a spiritual relationship with him and his parents: provided always that he be touched by it.

Whatever Quintana says according to Busemb., they consider it more true, namely n. 48, and commonly among Sporer t. 3, p. 218, n. 47. For in the chapter Monach. 104., dist. 4., de Consecr., it is said universally: Monks themselves, compactly and mutually, should not perform such actions. They receive, however, 1. They receive, however, if the Religious be a mendicant; but this exception is not admitted by P. n. 3. As regards the manner of receiving in Confirmation, it is prescribed in the Roman Pontifical that the Confirmand place his foot on the right foot of the conferrer; but correctly it is stated in n. 3 at the end: today we have received the custom that it suffices for the conferrer to place his right hand on the right shoulder of the Confirmand: And this custom is attested by Concina, approved by the Sacred Congregation of Rites on September 20, 1749, no. 188. — « III. The forehead of one confirmed is to be bound with a band marked with a cross, to be worn for one, three, or seven days according to custom, temporarily veiling it with a veil. • (But today, due to disuse, this ceremony is no longer in use among us, since the forehead of the one confirmed is immediately cleansed after Unction, and thus dismissed) •: it can also be removed at once if there is reason for it, and washed; but itself should be burned or properly kept, nor should it be used for profane purposes on account of contact with chrism, lest by dissolving it one contract affinity. » V.

Prep. in Tertio Pars Questione Secunda Articulus Decimus. IV. Parish priest to be referred in the book "to record the names of those confirmed and of

the fathers of his parish" (and it is taught that this care pertains also to the Bishops), since this is for the knowledge of spiritual relationship, as it is taught in section 11 from the same source, section 10 teaches. Finally, it must be noted as a complement to this matter, that the common blessing which is given by the Bishop to the Confirmands at the end is not necessary for the Sacrament, but is a simple ceremony, as commonly say the Doctors with Croix in book 6, page 1, note 400. Hence probably he says, note 2, no. 9: the admonition which is given, that the Confirmands may not depart before the Benediction prayed; nor does it seem to obligate. But they say [or: Moreover they say] 5. c. 7. n. 2.

Palaus. tr. 20. qu. 10. n. 12. et c. quando magnus est concursus, illam admonitionem omittendam esse ut aliis locus præstetur; et hanc esse praxim testatur Croix loc. cit. # NOTE. # DE PRÆCEPTIS PARTICULARIBUS. ## NOTA I. ( ) Quamvis hodie nulla sint in Galliis beneficia, tamen bona ecclesiarum, fabricarum et communitatum alienari non possunt nisi propter causas legitimas et cum certis solemnitatibus inter quas praecipue requiritur Episcopi consensus. Therefore, first must it be consulted; and if it consents, either it will indicate what is required, or itself will do it. ## NOTA II. (They are prohibited.) Concerning those things which are either commanded or forbidden to clerics with great diligence to be read, the statutes of each Diocese are to be diligently observed, both because common laws are more strictly or more benignly interpreted in various places, and furthermore because there usually exist particular laws which add censures or other prohibitions to the prohibitions of the common law. ## NOTA III. (Page 57, number 193, line 1 ad verbum. Rectus Processus.) The laws governing procedure which the judge is always bound to follow are not the same in Gaul as in places where Roman law prevails; nor do they admit exceptions indicated by the author for a public crime. ## NOTA IV. (For expedition.) Moreover, the law punishes the judge who receives money or gifts so that he may do something of his office gratuitously required to be performed, and consequently him who receives money for the purpose of expediting a cause. See - ## NOTA V. (Inquisitionem.) Quae ab auctore traduntur circa criminis inquisitionem non omnimode conformia sunt iuri gallicano. Against the application of penalties concerning criminals, only public officials can act who have this duty by means of particular precepts. That is to say, in order that you may know who those officials are and how they should proceed, if it pleases you, read the code commonly called the Instruction criminelle. ## NOTA VI. (Torture.) In France, a trial or torture cannot be inflicted upon the accused. ## NOTA VII. (Lower.) Only the prince can remit penalties in France; and although private individuals cannot act against the accused in a judicial proceeding except to obtain compensation for damages, their act of remission does not prevent

punishment from being imposed by the judge if the accused has committed a crime or offense. ## NOTA VIII. (Redelivery required.) Concerning monetary punishments inflicted upon a corrupted judge, see ## NOTA IX. (Prohibited.) According to French law, not only is it illicit, but it is declared null and void any contentious sale made by an advocate if he exercises his duties before tribunals of others.

See Civil Code article 1597. ## NOTA X. (In writing.) Accusation properly so-called does not lie with privates in Galliis. Wherefore whatever is reported by the author concerning that matter, or on account of a simple denunciation, or by public officials, ought to be understood as obsolete. Nevertheless, see Code of Instruction on Offenses, art. 30 and following. Note XI (To denounce oneself). If a crime tends to the detriment of the republic, everyone is bound before its perpetration to denounce the guilty parties, even if they are associates; in this case, the denouncer is exempt from punishment. See ## NOTA XII. ## ( ) Many things which the author relates concerning the conditions of witnesses according to canon law or Roman law do not conform to the dispositions of Gallican law. He who desires to know these dispositions shall read the books commonly called on Civil Procedure and Criminal Instruction. We must abstain from those references, both because it would be lengthy, and because they have no relevance to the delay in practice. INDEX OF CAPTIONS AND DOUBTS, TO WHICH ALL SUMMARIES ARE ADDED, THAT ARE APPOINTED TO EACH CAPTION AND DOUBT, SO THAT EVERYTHING CONTAINED IN THE FOURTH VOLUME MAY BE AT ONCE BEFORE THE EYES AS RESOURCES AND QUESTIONS.

BOOK IV CHAPTER II. DUBIUM II. — De horis canonicis..... Pag. I. ARTICLE I. — Those who are bound by canonical hours..... Ibid. 140. To what extent are clerics bound to the office? What part of the office the subdeacons are bound to say on that day on which they are ordained.

And whether a subdeacon who has recited the office before ordination is bound to repeat this. 141. Whether all religious and monastics are bound to canonical hours. 142. Whether religious who are not constituted in sacred orders, and whether monastics who do not say the office in choir, be bound to recite it privately. It is doubted whether religious who are ejected are bound to perform the office. Dub. 2. an profugi. Dub. 3. an ad triremes damnati.

Exiles outside the walls. 143. I. Notable is also when religious are bound to recite in choir. What if they are occupied? To be noted: whether prelates commit a grave sin if through their negligence the office is not recited in

choir. Whether bishops are bound to recite in choir. Note 3. Whether those who do not perceive many things are bound to supply what has been omitted, so as to serve in the choir.

Whether the omission of a smaller part is sufficient for gravely sinning in choir, whereas it is not sufficient in private office. 144. Concerning the obligation of beneficed persons regarding the celebration of the liturgy. A beneficiarius ordinated through great fear is bound to the office. See elsewhere in Busemb. 145. It is asked: How many sins does a priest who is beneficed commit by omitting his office? It is asked whether a beneficiary gravely sins by omitting his office, if he wishes to restore the fruits [of the office].

ARTICLE II. — How great is this obligation..... 10. 146. What sin consists in omitting an office or a notable part thereof. 147. What is a slight matter in the omission of an office. 148. An omission of hours constitutes one, or more, sins. 149. How many sins does he commit who, having thrown his office into the sea, is rendered powerless to recite it? 150. Whether one doubts whether he has omitted something or not, he is bound to recite it. 151.

When those who omit their office are bound to restore the fruits. To whom is to be applied the restitution of fruits. 153. When the beneficiary might be excused from restitution on the title of expenses incurred. ARTICLE III. — What excuse[s] from the recitation of hours.....15 154. How infirmity excuses. I. Notandum, quæ gravis molestia excusat.

To be noted secondly, whether recovery excuses. Notandum III. What, is it sufficient for excusing in a doubt or to strengthen firmness? Notandum IV. What, if you doubt as to whether it is possible to recite part 155. May those who labor with a tertian or quartan fever be excused.

How excuses a just impediment. And whether therefore confessors, penitentiaries, and those performing necessary duties in choir should be excused. (See on this n. 143, v. Note 3. 157. How to excuse blindness and the lack of a Breviary. 158. An impotent with regard to reciting the entire office is bound to the part. What, if you do not have your own proper office?

To recite with a partner when you cannot do it alone. Whether a beneficiary is bound to lead his associate, if he cannot recite alone. 159. How the dispensation excuses. ARTICLE IV. — How the hours are to be recited..... Page 21 160. It is required I that they be recited according

to the prescription of the Roman Breviary. 161. It is asked whether there is an obligation to recite litanies.

It is queried whether the office for the dead should be recited. It is questioned III. whether it is permissible to change the office into a shorter form. It is asked IV. whether you may conform yourself with a privileged cleric. It is asked V. whether one who errs in office should be held to repeat it. 162. It is required II. vocal declaration. 163. It is asked whether one who reads satisfies the obligation if he does not hear himself.

But does he satisfy by reciting submissively in choir? (Remissive ad 1. 3. n. 675. v.) Dub. 4.) It is asked II. whether, if one recites the office in choir or with a companion, one is bound to repeat what one does not perceive. It is questioned thirdly whether a deaf person, or one still more deaf, satisfies by reciting the office in choir. III. requiritur pronuntiatio integralis. 165. How sins a mutterer of words. What, if you recite with a mutilating companion? 166.

It is required for continuous narration. Whether the matutinum can be separated from the lauds, and whether there is an obligation to terminate hours or the matutinum through Pater Noster and the recitation of the office prayer, and whether the nocturns can be separated from each other. 168. Whether it is a matter to be sought for the hour if there intervenes a great interruption. What are the just causes for interrupting. It is required V. that the order not be inverted. 170. Causes for inverting the order. 171.

There is a grave obligation in choir to recite hours in due order and at stated hours. 172. It is required VI. that hours be said at their proper time. 173. What are the just causes for anticipating or postponing? At what time the hours are to be spoken. It is asked: I. when it can be said that Matins have been said. It is asked whether the matins of the dead may be recited on the preceding day.

It is asked III. whether the litanies of the preceding evening can be recited in the evening. 175. It is required that the hours be recited attentively and devoutly. What intention is required, and what attention? And I. concerning external attention. He who is sleeping on duty, or reciting while others are chatting, or in the marketplace, etc., may satisfy [the requirement]. II.

On internal attention. 177. Whether an internal attention is necessary to satisfy, and whether a beneficiary reciting without internal attention is bound to restitution. (Remission ad 1. 3. n. 669.) Rule for casting off

scruples. 178. Whether and how a person who recites an office while existing in mortal sin sins. Whether it is licit to say the office in an indecent place. Whether a site for reciting outside the choir be from a precept. DUBIUM III. — What clerics can concerning the disposition of the fruits of their benefices. ..... 49 180.

Beneficiarii sint domini fructuum quoad necessaria sustentationi. 181. Whether, with regard to non-necessities. (See also 1. 3. n. 49 and the following numbers until 185.) 182. What is to be noted regarding suitable sustenance for the cleric. 183. What quantity of expenditure on vain expenses is deemed grave? 184. What is to be noted regarding the allowance given to the cleric for pious uses. 185. What is understood by the term pious use. 186.

See the resolutions. 187. Whether clerics can testify concerning the fruits of a benefice. By ALIENATION OF ECCLESIASTICAL GOODS. Not. I. Regarding penalties for alienated goods: Whether they can be alienated if such a faculty has been given by the donor?

Notwithstanding, III. What came by the name of good things of the Church. Nota IV. What, alienation-vetoing-grace-giving, and that just causes of alienation be present. Notandum V. Solemnities are required; and what, if the cause of alienation fails?

Notandum VI. Whether it is permissible to alienate without solemnities, and in what cases. Notandum VII. What is the location of the blessings of some ecclesiastical offices. DOUBT IV. — Who is the habit of clerics; which arts, offices, and actions are assigned to them for habitation..... Page 56 188. To what habit and tonsure clerics are bound. (See also on the Sacrament.)

Order 1, Chapter 6, note 825. Page 189. Which arts are prohibited to clerics. (See also book 7, no. 384.) 190. Which offices. (As regards the office of a factor, see 1. 3. n. 838.) Very much.) 191. Which actions. (See also 1. 3. n. 606. de venatione et n. 895. de busu.) CAPUT III. — Concerning the state and office of certain secular persons, praesertim judicial ones..... 57 DUBIUM I. — What is required for legitimate judgment..... DUBIUM II. — Concerning power and the office of judges..... ## ARTICULUS I. — What is required in the judge..... Ibid. ## ARTICULUS II. — What a judge must observe concerning investigation.....5g 197. In what ways can proceedings be conducted against defendants.

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GAUTHIER, VERSION. # THEOLOGIA MORALIS BEATI A.-M. FROM LIGORIO. NEW EDITION. TO WHOM NOTES ARE ADDED THE GREATEST CARE AND STUDY OF THE LORD REGEVEUR, PROFESSOR IN SORBO. FIFTH VOLUME, ON THE EUCHARIST, PENANCE (partially), PARIS, WITH GAUTHIER BROTHER AND PARTNER, BOOKSELLERS, IN MONIBE STREET AT BALTE-FEUILLE, NO. 8: AND VESONTIONE WITH THEM. 1858. | # THEOLOGIA FORABILO..... # SIXTH BOOK, THIRD TREATISE. CONCERNING THE EUCHARIST.

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Thus commonly the Schoolmen. Whereupon follows the resolution: « 1. Both the species consecrated and the body and blood of Christ intrinsically and essentially constitute this sacrament: hence it is false that the teaching of the Waldenses held that the body and blood of Christ are the whole sacrament. The reason is, first, because Trent teaches that the body and blood are contained in this sacrament; secondly, because, so far as it is contained, it is not sensible. » Item falsum est, quod docent Marcilius et Sotus, solas species constituere hoc Sacramentum; tum quia Eucharistia est cibus coelestis; tum quia adorari debet latria, ut docet Trident. Here it must be noted that in all the Sacraments three things are distinguished, namely the Sacrament alone, the thing alone, and the Sacrament and the thing.

The mere sacrament is that which signifies; the mere thing signified is that which is signified, namely the effect of the sacrament; and the sacrament together with the thing is that which is signified by one and signifies another. In hoc autem Eucharistiae Sacramento Sacramentum tantùm sunt species consecratae, quæ tantùm signifi-cant animae refectiones; Res tantùm est ipsa refectio; res et sacramentum est corpus Christi, quod significatur à speciesibus, et gratiam significat. Here arises a great question among the Doctors, namely, in what consists the essence of the Eucharist? There are many opinions, but two are more accepted. The first opinion, which Gonet holds, p. 185, p. 291, q. 2, and ex n. 18, with Soto, González. Henr. etc. says that the essence or ratio of the Sacrament consists in reception solely in the species: but the body of Christ belongs to the Sacrament only in a secondary way, namely as something extrinsically conjoined.

They prove it from chapter Cum Marthæ, on Celebration. Miss. where it is thus said: "The form (that is, the species) is bread and wine;" the truth [is], flesh and blood; the virtue [is], unity and charity. First (that is, species) is the Sacrament, and not the thing. According to » this (that is, the Body of

Christ), it is a sacrament and a thing. » Third (that is, effect) is a thing, and not a Sacrament. When therefore the text says that the species are the sacrament, and distinguishes the sacrament from the thing simultaneously as being the body of Christ; Therefore (as they say) the whole reason of the sacrament is reduced to its species alone.

They approve from Can. i., where it is stated: "If anyone shall deny the Sacraments." Eucharisticum Sacramento vere, realiter, et substantialiter continentur corpus et sanguinem Domini. Anathema sit N. Jesu Christi. Therefore, if the body of Christ is contained in the Sacrament, it follows that the species are the Sacrament merely containing the body of Christ, so that it may not be said that the body of Christ contains itself. The second opinion, however, which those hold with Busemb. 42. sect. 3. 5. p. 134. and elsewhere, states that the Eucharistic Sacrament consists essentially equally in the species and in the Body of Christ. Reason, because from the body of Christ and equally from one species the sacrament is made. Christus autem continetur in Sacramento tanquam pars in toto, ut anima in homine, non vero tanquam aliquid extrinsecum à ratione Sacramenti.

And thus is the text opposed by the Tridentine responded to. This reason is confirmed by St. Augustine related in chapter hoc est 48. D. 2. de Consecr., ubi docet hoc Sacramentum «constare duobus, specie elementorum visibilis et invisibilis». Dom. The nature of Christ Jesus, consisting in His person of God and man, is congruent with His flesh and blood. "Regarding however the text in the chapter of Martha: Lugo responds on the Eucharist." D. i. num. 27. (qui diversam sustinet sententiam, nempe quod essentia Eucharistise in recto consistat in corpore Christi, et in obliquo tam tum in speciebus) quid Pontifex dicens species esse sacramentum non intendit dicere quod sole species sint sacramentum sed quod species in Eucharistia non habent aliud munus quam sacramenti; significant enim et non significantur ad differentiam corporis Christi quod est sacramentum simul et res nimirum quod significat gratiam et significatur a speciebus non autem textus excludit quod corpus Christi pertinet ad essentiam sacramenti.

Both opinions are probable. 2. The use or consumption of the Eucharist is not properly the very Sacrament itself, nor another Sacrament distinct from it, as Gabriel would have it; nor a part thereof, whether essential or integral, as Aureolus would have it; but only an application, or condition, by which the Sacrament operates. All other Sacraments, as I noted at the beginning of this book in chapter 6, are called transitory, because they are only called Sacraments when they are conferred and applied. This alone is called the Sacrament of the Eucharist, which is permanent, because it consists in a permanent reality; and thus the Body of Christ, existing after

consecration under the species of bread, is truly and properly the Sacrament, whether taken or preserved in the tabernacle, as is defined in Canon 4: "If anyone says that after the completion of the Consecration the admirable Sacrament of the Eucharist does not contain the Body and Blood." Of the Body and Blood of our Lord Jesus Christ, but only in the use thereof... anathema sit. "3."

Even though any species, or indeed any part of a species, is essentially and entirely a perfect Sacrament, therefore the Sacrament of Eucharist, under the species of bread and wine, physically and materially differs in species; yet morally, and in the reason of the Sacrament, it is one lowest species Sacrament: both because it is one sign of the sacred thing, and because it is ordered to one lowest species end. See S. Th., qu. 73, art. 1. Even when speaking physically, there are as many Sacraments in number as there are species, or even parts of species; yet morally there is one in number, which is proposed and taken in a manner of unity, because it refers to one end, namely to one spiritual refreshment. Hostiae in diversis altaribus rectè concipiuntur ut distincta Sacramento; contra vero, si Sacerdos unam Hostiam in plures partes dividat, vel plures Hostias simul sumat (eadem est ratio plurium specierum diversæ rationis), non ideo dicitur accepisse plura numero Sacramento. Beyond these things, above all, it should be promoted what is found in ch. 3: The Body (existing) under the species of bread, and the Blood under the species of wine by virtue of the words; but the Body itself under the species of wine, and the Blood under the species of bread, and the Soul under both by virtue of that natural connection and concomitancy..... As for the Divinity, on account of the hypostatic union with His Body and Soul. Item sessionis vicesimae tertia capitulum.

It is stated: Although our Redeemer instituted this Sacrament in two species, yet it must be admitted that even under one single species the whole and entire Christ, together with the Sacrament, is received; and consequently, as regards the fruit thereof, no necessary grace for salvation is denied to those who receive only one species. But it is questioned whether the whole specific nature of this Sacrament is preserved in the single species of bread or wine taken separately? The first affirms what Bellarmine holds in his fourth book, chapter four, note sixteen. Reason, because each species has a reason for an integral banquet; when through concomitance Blood comes under the species of bread; and Body under the species of wine. They argue this point from those very words of Trent, as mentioned above: "Under one species alone," The true Sacrament is received in that species. » Secunda vero probabilior sententia dicit, totam rationem specificam Sacramenti non salvari, nisi in utraque specie.

Thus Lugo in Euch. de 2. sect. i. Tournely in Prælæ, pag. 151, and his

Continuator to. 5, pag. 134, et n. 17, cum Le- desma, Corneio, etc. Ratio, quia licet per concomitantiam Corpus Christi veniat sub specie vini, et contra: quod sufficitem ad totum assequendum fructum Sacramenti, ut docet concilium; hoc tamen per accidens evenit, quia nunc Sanguis non potest à Corpore separari, sed non per se; nam si in triduo Passionis Apostoli celebraissent, utique Sanguis non venisset sub specie panis. Wherefore, since under one only of the species the words are placed per se to signify only the Body or the Blood, it cannot by itself signify through the other species the whole reception of food and drink, in which consists the specific reason of this Sacrament. And concerning this opinion it seems to be clearly expressed in p. q. 73. art. 2. ad 2., where it says: "Bread and wine materially are many signs, but formally and perfectly one, inasmuch as from them is perfected one refectio." Therefore, formally, or with regard to the specific reason of the Sacrament, the reception is not perfected in the reason of signifying, except in both species. It is asked: 2. whence is taken the numerical unity of this Sacrament?

Others say that it is taken from the unity of the Body of Christ, as Lugo and n. 46 with Suárez, and Bellarmine hold, that although many consecrated species, even though discontinuous, and although they are physically many Sacraments, yet morally speaking they are one Sacrament by a moral conjunction which they have because they are proposed or taken through the mode of one; and this opinion seems more probable according to Bussem, as above. As regards the species of this Sacrament, therefore, it must be concluded that although each species is materially diverse, nevertheless morally both constitute one Sacrament, since both signify a common banquet composed of food and drink. As regards the number, it must be said that the number is taken from the multiplicity of receptions; whence if one species, or one host, is distributed to many, or to the same person at different morally distinct times, the Sacraments are diverse in number. On the contrary, si both species were ministered to someone at the same time, or if multiple parts of the same species were given, one would be a Sacrament. Thus likewise, if diverse species consecrated at the same time and on the same Altar are proposed, one will be the Sacrament; But if the same species are divided and proposed on different Altars, they will be diverse Sacraments. 192. — Question 3. Is an Eucharist necessary for obtaining the first justification?

It is assumed as certain with § q. 8o. ar. 11. To be necessary for salvation by the necessity of Precept, both ecclesiastical and divine, the Eucharist is necessary, according to Luke 22. Do this in my commemoration. On the contrary, it is certain that it is not necessary with necessity of a Mediator, according to real reception, as they assert in n. 6 commonly against Heretics. It is doubtful whether it is necessary even in a vow, by medioreal

necessity? The first opinion denies it with St. Bonaventure, ibid., n. 14.

Reason, because this Sacrament is not instituted to cause the first Grace. And thus the Council c. 6 condemns those who say that the principal fruit of this Sacrament is the remission of sins. Nevertheless, a more probable opinion is held, namely number six. Adults, however, have such a vow when they receive either the Sacrament of Baptism or Penance; for their will encompasses implicitly all precepts, including even this precept of the Eucharist: but children have such a vow not from their own will, but from an implicit will of the Church, which is congruously applied to them. And this is taught by S. Thomas in question 79, article 1, ad 1, where he says: "This Sacrament has of itself the power of grace," and no one has grace before "the reception of this Sacrament: unless it be from some vow of its own, congruent to adults, or a vow of the Church, congruent to children." And it is proven first from John 6.

Unless you shall eat the Flesh of the Son of man, etc., you shall not have life in yourselves. It is proven secondarily by reason, because the Sacraments of Baptism and Penance, which certainly are necessary either in the manner of necessity mediata or at least in voto for obtaining the first Grace, do not confer Grace unless one looks to the Eucharist, as to the end of all the Sacraments. 193. — Question 4. Whether an Eucharistia in reality, or in desire, is a necessary means for adults to conserve spiritual life? They deny, etc., according to 3, 5 LIB. VI. TREATISE.

III. BE BOCARISTIA. CHAP. I. no. 34. saying that other means are present for this purpose. But commonly and truly affirm this Soto, Gons., and with St. in question 80, article II, ad 2. Reason, because a long life of the body cannot be preserved without material food, so too the life of the soul cannot be preserved without this spiritual food, at least in desire, and indeed explicitly in him who advertises the necessity of this Sacrament. Hence they hold with Cornelian, etc., that one is not excused from sin even if he receives the Eucharist once a year, if he understands that such rare Communion does not suffice for him to persevere, considering his own proper infirmity.

See no. 295. Doubt II: What is the Matter of the Eucharist. 194. What is the proximate matter of this sacrament? — 198. Concerning the obligation of consecrating under both species. See what is found among Busemb. — 196. Dub. 1. Whether this obligation be of Divine Law or of Ecclesiastical Law?

Dub. 2. Whether the Pope can dispense in that? Dub. 3. Whether the consecration of one species is valid without the other? — 197. At some

time by chance can one species be consecrated without the other? 194. — « Note; in other Sacraments both proximate and remote matter are congruent; so also here, but in reverse order: for in others, remote matter is a permanent thing; while its proximate use is transitory; whereas here it is the remote that is transitory, and the proximate that remains, namely, the species of bread, and wine. » It is questioned therefore solely concerning the remote [species], namely that which, having been made through consecration, passes into the Body and Blood; This is of Faith, and it is proven from the institution of Christ, Matthew 26. and Luke 22.

And indeed both materials, bread and wine, are so necessary to this Sacrament being made, that by themselves they can never be consecrated licitly without one another: which is evident from the fact of Christ, 22. Luke then from that fact: 198. — “1. The consecration of both species is of divine law, because the reason of the Sacrifice, without which it is not accomplished, requires both. It is not permissible to consecrate only one species, even in a grave necessity, for example, that viaticum may be given to the dying. "« 3." Neither the Pontiff can dispense in that regard in any case.

Thus » comm. . pag. d. 55. sess. 4. etc., against certain ones. » 196. — It is certain that it is necessary to be consecrated under both species according to the necessity of the precept, as teaches . p. qu. 80. art. 12. ad 2. together with others commonly, and c. Conferimus. D. 2. de Consecr. et ex: Unde commune ac certum est apud omnes, nec etiam in articulo mortis licitum esse consecrarare unam speciem ad Viaticum infirmo porrigendum. See number 37. Bos ac sac. D. 4. Question 2. p. 3. n. 9. and others similarly throughout.

But it is doubted whether this precept is Divine or Ecclesiastical? Numbers 92 and page 723 say that it is Ecclesiastical. But it must absolutely be held Divine according to Suarez, dist. 43, sess. 3. Tourn. in p. 376. p. 425. n. 8. et Bon. de. 4. q. 2. p. 3. n. 5 cum Caj. Soto, Palud. Reg. Fill. and others commonly.

This is evident from canon 22, where it is said that Christ commanded the priests to offer His Body not otherwise than under both species, according to the words of the Council: "Christ's Body and Blood, He offered to God the Father under the species of bread and wine," and in those same (noted) symbols He handed them to the apostles, so that they might receive and also gave them to their own priestly successors, that they might offer according to this commandment: "Do this in My commemoration"; as the Catholic Church has always understood and taught. "Is there doubt as to whether the Pontiff can dispense from this precept?" More serious doctors

affirm this, and they consider it probable, namely: I. 4. n. 41; I. 8. d. 6. n. 6; et Cont. p. 725. Conclusion 2. with Ysamb. And they prove from 21. c. 2., where it is said: "Hanc potent- tatem perpetuo in Ecclesia fuisse," that in the dispensation of the Sacraments she might have established or provided those things which she judged to be more expedient for the utility of those who receive, or for the veneration of their own Sacraments, while preserving the substance thereof. But commonly they deny, as Suarez says in d. 43, s. 4.

Lugo de Euchar. d. 10. s. 8. n. 8. n. 44. cum etc., Ratio, quia Ecclesia, etsi potest immuta- tiones facere circa administrationem Sacramentorum, ut loquitur Concilium, non autem potest circa ea quae in Sacra- mentis administrandis sunt de praecepto Divino, prout est Consecratio utriusque speciei, ut mox supra probavimus. But this reason does not entirely convince, for as we shall say according to the opinion of many, the Pope can probabiliter dispense from Divine precepts in some particular case with just cause, or at least interpret the Divine precept then. Nevertheless, this does not prevent me from saying that the first proposition cannot be deduced in practice, because (as we shall say in the subsequent doubt 3) it is probable that a Sacrament will not be conferred except in the Sacrifice, to which (according to our aforementioned proposition n. 306). What. II.) Necessary requires Consecration of both species. However, properly speaking, Tourn. himself says that the Church has never dispensed from this precept and will never dispense; for commonly with etc., it rejects what Volterranus 1:7 refers to.

George..., namely that Innocent... VIII. dispensed with Norway, so that they might consecrate bread and chalice without wine, which indeed is incredible. It is doubted whether the consecration of one species without the other is valid? No one doubts that it would be valid in that case, as will soon be explained in the cases from Busenbaum mentioned below. Therefore, a doubt arises, whether a Priest validly consecrates when he has the positive intention of consecrating one species alone without another? Lugo denies it in his treatise on the Eucharist, day 19, note 103; following this, Renzi codifies it in the title question 45.

Because (as he says), the reason for the Sacrament cannot be divided from the reason for the Sacrifice; for the Priest does not receive the power to effect this Sacrament except by sacrificing, as is evident from the form of Ordination: "Receive the power to offer Sacrifice both for" the living, "as well as for the dead." Wherefore, since the consecration of both species pertains to the essence of the Sacrifice, according to the more probable opinion which we shall set forth infra n. 306. Because (as it is said) the reason of the Sacrament cannot be divided from the reason of the

Sacrifice; for the Priest does not receive the power of conferring this Sacrament except by sacrificing, as is evident from the form of Ordination: "Receive the power of offering Sacrifice both for" the living, "as well as for the dead." II. follows, that he who does not offer the Sacrifice neither completes the Sacrament. Others commonly affirm, as in section 43, paragraph 2, page 109, note 130, note 36, treatise 16. Reply 7.

Bonaventura, ditionem quartam, quaestionem ulteriorem, paginam tertiam, numerum secundum cum concordantia. Fill. Henry This opinion is indeed very probable; but the reasoning of Lugo does not seem improbable either, nor does it hinder the authority of St. Thomas in the third part, question 78, article 6, which Bonaventure offers for the second opinion, since there the Holy Doctor speaks only against those who would say that the Body is not consecrated unless after the Blood has been consecrated, which is certainly false. "Attentionem aliquando unam posse solam consecrari absque peccato docet Tan. d. 5. qu. 2. dub. 5. n. 27. dicitque esse communem, v.g. in his casibus." I. Si quis aquam vel alium liquor pro vinum consecrasset, neque defectum intelligeret nisi diu post aut postquam advertisset, neque posset haberi aliud vinum: vel quamvis haberet, non posset tamen illo uti sine gravi scandalo vel vitae periculo (vel sine magno simul incommodo; ut n. 38. cum si post consecratam Hostiam subitum mortis periculum a hostibus vel incendium immineat, secluso tamen scandalo et contemptu Fidei.

If a Priest dies after consecrating the Host, or if his mind fails and he loses speech, or falls into madness, there being no other person who can complete the sacrifice, then let it be according to law 1, chapter 8. Page 109. No. 133. Renzi question 16, chapter 1, number 8, with chapter 3, note 40. » page 31. and. Wigandt tr. 12. Exodus 2, n. 16: Never can a priest be consecrated in one single species out of fear of death from extrinsic or intrinsic cause, struck by another person with this end in view, that he might thus consecrate; because then to act directly against the Divine Precept, which is intrinsically evil.)

Licitly, because either one can be consecrated validly only, it is certain: as is evident both from the fact of Christ, who consecrated the bread before, and from the practice of the Church, which proposes the Body before the Blood for adoration. » ## DUBIUM III. ## What kind of bread should be in the material of the Eucharist. 198. May bread alone made from wheat be the fitting matter? — 199. It is not fitting material for the Eucharist, I. Bread made from rice, beans, etc., II. Raw flour, or roasted, whether toasted or parched.

III. Bread acted upon with oil, milk, etc. What if water that is not natural?

IV. Hostie rubre. V. Hostie rubeae. Corrupted bread. — 200.

What is the doubtful matter of the bread: whether from wheat, barley, or starch? — 201. What is the bread that is a valid material [for sacrament], but illicit? I. Quinam panis est materia dubia; an ex farre, sili- gine, amylo? — 201. If somewhat mixed with another thing. II. If sluggish. — 202.

Even validly, but illicitly, they consecrate fermented Latin wine and unleavened Greek bread. — 203. Dub. 1. What if a Latin one passes through Greece, or against it? Dub. 2. Can a Latinus celebrate with fermented wine to give Viaticum? — 204. Concerning the broken or spotted host. — 205.

Concerning the figure of the host to be consecrated. And may one celebrate with a smaller host? 198. — « RESP. 1. Only wheat bread, commonly used at banquets, which is esteemed solely by the moral judgment of men to be such, namely that which from wheat flour and natural water mixed together, and toasted or baked, and remaining incorrupt in its species: because this alone is simply called bread, while another is not except with addition, e.g., barley. Therefore I resolve: « 1. It is false that Cajet taught otherwise. It is possible to consecrate the Eucharist from any kind of bread, provided that it is suitable for eating. * (The same is taught by D. Thom. 3. p. qu. 74. art. 4. Catech. n. 13. et n. 5. cum Lugo: Cujus materia est panis triticeus, et vinum de vite. It is confirmed by the Roman Missal where it states: If the bread is not made from wheat flour, the Sacrament is not completed. 199. — 2.

The material is not fitting for a valid consecration. I. Bread made from rice, oats, barley, peas, beans, almonds, and other legumes, as well as from fruits of trees, or even from corn; because all these things are commonly reputed to be distinguished from wheat in species by general use and opinion. de Lugo d. 4. sess. 1. II. Raw wheat mass, or one that is not baked in the manner of bread, but roasted or parched, such as placenta and libum, whether they differ in species or not. * (n. 11. cum Fill. Bread subjected to artificial mixture with water, or oil, butter, milk, and ewes' milk, sugar, or any other liquid that is not naturally mixed with water, because it is not usual bread.

Thus 5. treatise 4. question 9. Cajet. Nevertheless, some Recentiores teach otherwise, why being at least a matter of doubt; and this is confirmed by the Missale 4. sect. I. num. 4. whence those who offer sacrifices may be certain that they are made with natural water, and not with rose-water. IV. unde qui hostias emunt, certi sint quod aqua naturali et non rosacea

confectae sint. Similarly, red hosts, to which letters are sealed, are not valid material, or at minimum doubtful: because they notably are altered through the addition of cinnamon. I. which t. 12.

Reply 1. Limited, if much cinnamon is mixed; but if it be very little, he considers it probable that it is a valid material; illicitly taken, however • (See what has been said about...) • V. Bread substantially corrupted. VI. Bread acted upon by sea water. fr. 9. R. 58. ubi ipse contrarium docet, eo quod illa sit natalis aqua. • (Et cum Diana consentit Renzius c. I. q. 18.

» And truly I do not know how to understand why bread made with sea water is not true bread, since sea water is true and natural water; we have said congruently concerning Baptism n. 103, and St. Thomas teaches in III. p. q. 66. art. 4. ad I. Indeed, it must be said otherwise if rose-colored water or any other liquid is mixed with flour, because then it would not be a true usual bread, as the same Saint Augustine says in book 7, chapter 3, section 200. —§ 3. Bread made from wheat or spelt, or from barley, is material dubia: because some say that it should be distinguished in species from wheat on account of the sterility of the place, while others assert that it should be distinguished only by its accidents; therefore it is not permissible to use this at all for the Sacrament, since this would expose one to peril. V. Th. 3. p. q. 74. art. 3. ad 2 et 5. S.: Bonao. 6. p. I. n. 421. say: "siliginem esse verum triticum"; but Bonae deny Concina, Palaus, and others; whence Carden. according to Croix; and p. 369.

» Renzi q. 9. with Bon. rightly teach that in siligo a mortal sin can be committed, as regards doubtful matter. Amylum autem certe non est materia apta. Cross n. 423. cum S. Th. Lugo, and commonly against some others.) 201. — « 4. It is valid, but illicit is the matter. I.

If a certain number of grains or drops of another kind are mixed with wheat and water, so that nevertheless wheat and water predominate greatly, because if the greater part were not wheat and water, there would not be valid matter, about which those who cook sacrifices are to be instructed. Bon. d. 4. If there is a moderate mixture of another kind of grain with wheat and water, so that wheat and water still greatly predominate, then from henceforth bread can be made, which is the material of this sacrament. Si vero sit magna permixtio, putà ex aequo vel quasi talis permixtio speciem mutat, unde panis exinde confectus non erit debita materia. And thus too it is said commonly by n. 8. and iu. 8., II. Mucid bread, which is disposed toward corruption, Bon. l.c. n. 5. ® (This would be the case if the taste were to be somewhat altered, and then it would be mortal to use it in such a manner; » Palaus, et Conin.)® 2G. — « 5.

It is equivalent to the value of the Sacrament whether the bread be unleavened or leavened, as defined by the Interim in its own Churches, Latins holding that it should be made in an unleavened loaf, and Greeks in a leavened one, under a grave precept and mortal sin, from which there is no excuse, for example, giving viaticum. Questio 2, Pars 1. Fill. Volume 4. Chapter 3. Question 8. Card. de Lugo l. c. And it is common with Soto, n. 19. Thus it has been handed down § 2: "We define the Body of Christ truly to be made from unleavened or leavened wheat bread." Prioresque sacerdotes in alterutro ipso Domini Corpus veraciter confici debent, unumquemque juxta consuetudinem Ecclesiae sue, sive Orientalis, sive Occidentalis.

Hence N. SS. P. Although Pastoralis. §. 6. nu. 10. sub panis perpetue suspensionis à Dionis confirms the prohibition, lest a Latin or Greek celebrate other than their own rite. 203. — But there is doubt i. May a Latin celebrate in places of the Greeks with fermented bread, and a Greek celebrate in places of the Latins with unleavened bread? The Doctors agree that if among the Greeks there should be found a Church of Latins, in which the Latin Rite is observed, then a Latin priest should be consecrated with unleavened bread; and thus conversely. Thus 44. sect. 4. v. illud, p. 370. infne. and n. 21. when there is doubt about when a Latin passes through Greece (or the contrary), Ledes thinks that he should be held for celebration in fermented substance. On the contrary Pasq. d. 74. c. 3. p. 249. and Aorsa qu. 2. sect. 4. say that one should be held to celebrate in azyme.

Otherwise commonly, and most probably, Nat. prop. 4. Reg. 12. Antoine c. 1. q. 2. In the fermented state, according to the teaching of St. Augustine, Ep. 118 (now 58), cap. 2, where he says thus: "There is no discipline more beneficial for a grave and prudent Christian than that he act in such a way as the Church appears to him to act, to which by chance he may have come." It can also celebrate in unleavened bread, because although he does well who follows the custom of the region where it is found, yet he is not bound to do so, as they observe. c. and Glossa in c. On the contrary, Distinction 8. Because Pope Leo, in his Epistle to Michael Caerularius, chapter 29, warns (as regards this). Dubitatur 2. In caso necessitatis, ut praebendum sit viaticum infirmo, possit sacerdos latinus consecrare in fermentato?

The Major affirms and q. 4., because, as they say, the divine precept of receiving Viaticum should prevail over the human precept of celebrating in unleavened bread. But the common opinion denies it, and the more probable view held by number three. Tourn. loc. cit. Antoine de. 66. sectio

5. cum Soto, Gabr. 12 LB. VI. TRACT. III.

ON THE EUCHARIST. CHAP. I. treat. 16. Response 30. Renz. l. c., cum Palao, 204. — When secluded from scandal, it is only venial to consecrate a broken or stained host, unless the break or stain were grievous: for then it would be mortal, as Croix n. 432. with Croix ibidem with Gob. 205. — « Resp. 2. The bread to be consecrated according to the precept of the Church should be a figure of an orbicular and intact form (in the Latin Church). I said "Latin," because the Greeks use a square [loaf], and in particular particles triangular, as Arcud has it.

It is also permissible to use a smaller hostia, such as that which is given to the Laics, when another cannot be had and scandal is avoided, to celebrate privately; nay, if the cause demands it, even publicly on a feast day, teaches March. in c. 5, q. 3. . 5. t. 13. R. 80. and p. 6. t. 7. R. 17. and . sacrifice l. 2. c. 8. et sessio 12, in tanto quod nullum sit praeceptum neque constet de consuetudine obligante sub praecepto. (Id admittit n. 16. etiam causa devotionis; et consentiunt qu. 6.) R. 3. with the Fourth, and why not.

» 15. with Gob., if there is no scandal that can be prevented by admonishing the people. But he adds: In this case, to elevate the more venerable offering from another pre-consecrated one, the same Tam. l.c. against March. and Diana. l.cc. wishes to allow it. But it is not permitted to take the lesser and leave the greater (e.g., for exposition in the holy chest), unless he himself has consecrated this very Mass, because he should communicate from his own sacrificial offering. Therefore, the parish priest acts wrongly who, intending to renew the Eucharist, takes a consecrated host from another person and returns it himself to the tabernacle or holy chest. Tam, l. c., Cardin. de Lugo, d. 19. Section 4. Doubt IV. What kind of wine is the matter of the Eucharist. 206. What kind of wine is not an apt material? I. Quale vinum non est materia apta?

Sicera, etc. II. Country. III. Vinegar. IV. Grapes.

V. Mustum decoctum. — 207. What is a valid material, but illicit? I. Mustum. II.

Wine mixed. III. An accessens? See below Qu. I. IV.

Is it frozen? See below Qu. II. —208. Is water to be mixed with a grave precept and wine? And what kind of water, and in what quantity? And whether a mixture is to be made in the cup? — 209.

Should mixed water with wine be immediately converted into Blood? — 210. What quantity of water is to be mixed in the cup? What if Saint-Guibert falls upon the altar, the linteum, or corporale, etc.? 206. — « Resp. 1. Only wine from the grape, as Faith teaches, and this is definitively concluded in the Florentine. Hence the resolution: "1." It is not a fitting matter for a valid consecration I. If wax, and whatever liquid from must, raisins, etc., whether it be called wine or not.

II. Agresta, sive omphacium, id est, succus ex uvis immaturis expressus; quia non est vinum, sed in via ad vinum, cuius naturam nondum induit; habetque se congruenter massa cruda respectu panis. c. 2, n. 5 et 6. He thinks, however, that the must pressed from passed grapes is capable of consecration. R. 8. because it is true that it is wine. III. Acetum, quod est vinum substantialiter corruptum. ibid.

That is, if after reception (indeed even before it, after the consecration of the Chalice), a doubt arises, whether it was to be presumed that it was vinegar or wine, that it was wine, teaches 2. exped. sacrif. c. 8. ˚ (But see below in the subsequent annotation.) ˚ IV. Grapes, or wine contained within grapes, or imbibed in a piece of bread, are so because they are not primarily drink but food; and because that juice is not properly called wine until it has been expressed; and because in that state it does not sufficiently demonstrate by its form to the sense. Card. de Lugo d. 4. n. 11 et 12. Sapa, seu defrutum, id est mustum ad dimidiam seu tertiam partem decoctum, quia non est amplius vinum, nec potus, sed cibus. Good [or perhaps "The Good"] chapter six. Lora, id est aqua exprimenda cum aceris superfluitu.

Card. From De Lugo, chapter 4, section i, number 9. Take notice of what is said concerning these matters in n. 1: "If wine has been completely turned into vinegar or completely putrid, or if it has been made from sour grapes or unripe pressed grapes, or if water is merely mixed with it so that the wine is corrupted and not merely spoiled, the Sacred Mystery is not constituted." It must be noted that vinegar made from sour or unripe grapes is then inept when it has no species of wine, as taught in I, q. 74, a. 5, ad 3, where it is said: "The vinegar is in the way of generation and therefore does not yet have the species of wine; hence, this Sacrament cannot be made from it." » As regards vinegar or acid wine, if after Consecration the Priest prudently doubts whether it was true wine, they say . Omitted. L. 2. c. 8. §. 5. n. 6. et n. 157. cui adhaerent p. 118. judican dum fuisse materiam aptam, tum quia possessio stat pro substantia vini; tum quia non est turbandum Sacrificium sine certo fundamento.

However, La Croix l. 6. p. 2. n. 535. They rightly consider that the Consecration ought to be supplemented, so that the Sacrifice may not remain in danger of lack of integrity, contrary to the precept of making the Sacrifice entire. The reasons opposed are however weak; how indeed can possession be considered as wine when there is doubt whether at the time of consecration it was wine or not? On the other hand, in order to discern whether the Consecration was truly effected, one must attend to the truth of the matter and not to conjecture. The sacrament however is not 14 LIB. VI.

TREATISE. III. ON THE EUCHARIST. CAP. I., certamente turbans sine certo fundamento; sed dicitur jam certum existere fundamentum sive obligationem integrandi Sa-erificium, quando certum est dubium de Consecratione peracta. I think, however, that there is no certain wine again to be consecrated absolutely, because then the same danger would arise of making according to a mutilated Sacrifice, if perhaps the former matter had truly been fitting: Therefore I say that this second Consecration should be made under the condition, namely, if the former matter had not been consecrated; for the reason of not leaving the Sacrifice mutilated is a just cause for repeating the Consecration under the aforementioned condition. 207. — « 2. A valid consecration, but it is illicit.

I. Verum tamen consecratio est, sed illicita. In musto. 8 (In quo valide consecratur, ut ex communi n. 30. cum .) 9, quia non est vinum simpliciter, sed impurum, habens admisis facces, non conse- crabiles: ideoque obstat praeceptum Ecclesiae, obligans se- cundum Suarez sub mortali, saltem extra necessitatem, qualis esset defectus vini veteris, et secundum quosdam etiam devotio populi; quomodo multi excusant contra Suarez, quod in quibusdam locis primitiae uvarum in calice exprimantur. See Bon. I. c. II. In wines mixed with other liquors or aromatics so slightly, that the nature of the wine is retained. If however the mixture is indeed improper, the matter will be doubtful.

III. In wine being added: because it is still wine, a somewhat musty loaf of bread is congruent. 8 (See below Qu.) I.) 9 IV. More probable even in frozen wine (although it may be said to be a doubtful matter by some on account of the authority of those who deny it), firstly because it still retains the substance and denomination of wine, and its nature is potable; secondly because Christ remains under it after consecration according to Card. de Lugo I. c. This does not apply to water that has frozen, since Baptism essentially consists in ablution, whereas the Eucharist does not consist in consumption. It does not matter that it is not immediately potable: because it is by accident, and can easily be remedied, and it is a fitting reason in hardened bread. It is not, however, the same in a liquid

that has not yet been expressed from grapes, since it is not wine simply and per se, nor is its nature potable but comestible; this does not suit wine that has been frozen: otherwise fasting would be broken.

Bonas. I. c. num. io. 8 (See below Qu. II.) 9. "Tamen peccat qui in congelatio consecrat; ideoque si hyeme congelavit calix, calore manuum aut hanlius aliove modo solvendus est." c. 3. . 5. t. 4. c. 2. "3. The consecration is valid and licit in white wine or red, even though they differ in a physical aspect: for both are considered simply to be grape wine. n. 2. The Cardinal de Lugo I. 4. What asks?

I. Whether a priest sins mortally who consecrates when wine is added? They say Sabn. in n. 26. title page 4. n. q. cum et n. 5. with others, then to mortal sin to have sinned, when wine is near the nature of age, so that there may be doubt whether the qualities of the wine have already been lost. I reverence the authority of so many DD. But I know not how this opinion can be sustained, since it is explicitly stated in the rubric under title 4, number 2, where it is said: "If wine has begun to ferment or spoil, or has become slightly sour, or must from grapes, then expressed without being mixed with water or with rose-water or of another distillation, the Sacrament is not consecrated, but he who consecrates gravely sins." Therefore, the rubric condemns as mortal sin not only he who uses vinegar proximate to wine, but also he who uses wine that has begun to ferment, or is somewhat sour.

Verum hoc principium acrimonie, sive accessionis intelligendum est juxta id quod docet S. Thomae 3. p. q. 74. art. 5. ad 2.: Potest tamen sacrificium confici de vino accescendo, congruent et de pane, qui est in via ad corruptionem, licet peccet conficiens. Therefore different grades are to be considered in wine that is acceding, some outside, and some within the way of corruption. Hence, according to S. Thom., this rubric should be understood when wine or bread has already passed beyond the limits of corruption, such that it has reached the beginning of acrimony, that is, it has been sufficiently corrupted, as the Cardinal expresses it. Lamb. Notes. 77. n. 2. Moreover, the same author on page 3, title 4, with Fourth [Council], says: "If necessity should urge the celebration," or if the Priest cannot omit the Sacrament without note as happens among Regulars who are bound to celebrate according to rule and not have another wine at hand, those subjects do not sin by using that wine... And although it is against the reverence of the Sacrifice to use such wine, yet that irreverence is not imputed to the celebrant, but to the Superior or Minister, who is the cause of that voluntary act.

Moreover, when wine is so near to vinegar that there is doubt whether it

has lost the nature of wine, the consecration will indeed be doubtful; but in the rubric of such cases consecration is held for certain, since it is said there that the sacrament is completed: Therefore according to the rubric and according to the opinion of other authors, as Abbelli says in his treatise on the Eucharist, s. 3, n. 4, and p. 118, it must absolutely be said that consecration in wine kindled by fire is mortal, not only when the matter is doubtful, but also when it is certainly valid, because of irreverence to the sacrament. Nor does Suarez, cited by his adversaries for his own opinion, dissent from this, when he says that grave sin can be committed in this regard on account of doubt or irreverence. And expressly this teaches D. Thom. 3. p. q. 74. art. 5. ad 2., where he says: «It can be consecrated (Sacrament) from accensuated wine, congruent also with bread, which is in the way to corruption, although the consecrator sins by doing so.» "However, they say probably." Case 2, n. 164, p. 112, n. 153, and Croix, l. 6, p. 2, n. 546: that it is permissible to use only slightly fermented wine or one that is not noticeably acidic, without scruple, when another wine is lacking, as men of probity commonly do. They add moreover.

It is asked II. Is congealed wine valid matter? To his three opinions. The first judgment denies; this is held by Lessius in III, p., q. 74, art. 5, n. 24, page 251, number 7. Similarly Armilla, etc., according to Renzi in question 35, and they consider it probable in title 4, note 34. Reason (as they say), because bread fit for consecration should be apt for consumption, so wine for drinking; but frozen wine is not suitable for drinking. However, the second opinion more truly affirms this, and this is held by Sporer, note 15, numbers 32 and 33.

Anacl. pag. 556. n. 25. Renzius l. c. cum Pontio Pasqu. 847. 45. sect. 1. in fine. Reason, because wine that has been frozen, although actually it is not drinkable, is nevertheless drinkable in its nature, and is congruent with hard comestible bread. That is clearly proven from Rubr. In winter; whereupon Saint Pius V thus decreed: "If in winter the blood should congeal in the chalice, wrap the chalice in heated cloths, etc., until it liquefies." Therefore, the Pontiff supports the supposition that through congelation the species of wine is minimally corrupted, otherwise the blood of Christ would cease to be there; for once wine has lost its nature, it cannot regain it again, for according to the common axiom of the philosophers, a thing does not return from disposition to habit.

Therefore frozen wine is true wine. In some way unknown to me, it can be responded to this reasoning. The third opinion, which is held by n. 8. Contin. et n. 34. docet esse materiam dubiam, cum prima sententia non caret omnino probabilitate. Moreover, I hold that it is not licit for anyone

to consecrate in frozen wine; at least out of reverence solely for the Sacrament itself. But if the wine has been congelated and subsequently liquefies, it seems very probable with . 208. — « Resp. 2. »

By consecrating wine, it should be mixed with water, not out of necessity of the Sacrament, but according to a grave precept subjecting one to mortal penalty, as stated by Cardinal de Lugo in De Eucharistia, day 15, section 2, number 22: (With Catechism). And this ceremonially, and in order for the sacrifice. It is certain, as is evident from c. 7 and 9. » (And previously it was prescribed in chapter 2 whether this precept is also divine?) They affirm; they deny: both are probable. [Suar and Vasques:] Whether this water is immediately converted into Blood or not, the Scholastics dispute in dist. 4, sess. 3. "See what will be said further on, no. 209." "1." If this mixture is omitted, the consecration remains valid, even though it is illicitly performed mortally.

Thus universally. « 2. Natural water must be mixed, albeit very little, so that it contains either one or two drops of Florentine water; yet in such a way that it is perceptible, and at least does not exceed one-third of the wine: otherwise, it would render the matter doubtful. n. 4. In S. Thoma, Contra Gentiles • etc. • (See dicendum n. 210.) • But whoever should mix roseate or any other artificial water, even if in necessity, even though validly consecrated, would nevertheless sin mortally. St. Th. t. • 7. R. 18, quia ageret contra praeceptum et consuetudinem Ecclesiae in re gravi (Est commune cum num. 68.) Quam ob causam etiam mortale censet l. 2. c. 4. pers. etc. miscere calidam: quod tamen aliis quibusdam nimis durum videtur apud .c. ubi ipse addit, si in frigida regione consuetudo id habeat, ne forte vinum congelaretur, posse sine ullo peccato fieri. • 3. That mixture must be made not in a barrel or flask, nor any other vessel, but in the very chalice itself, neither at home, but in the very Sacred place, as is commonly done, either before the offering, or certainly immediately before the Sacred [moment], as is done by some: and this either by the Priest himself, as in private Mass; or by the Subdeacon, as in solemn Mass; for it is not sufficient if I dilute that with my own hands. Bonac. l. c. • (Cum S. • ad 3. quod, ut ait, si apponeretur aqua dolio, non suf- • ficeret ad significationem hujus Sacramenti.) • « 4.

If this mixing shall have been omitted, and noted before the consecration of the chalice, it must still be done thus even if afterwards. Bon. l. c. • n. 5. « 5. This precept concerning the mixture does not extend to that which is done after Communion, for the cleaning of the mouth and fingers. See regarding these matters the Roman Missal, also Bon. d. 4, q. 2, p. 4, . 5, tr. 4, c. 2. 200. — It is asked I. Whether a water mixed with wine is converted into the Blood of Christ? And whether immediately?

It is not indeed a matter of Faith to convert water into blood, as Innocent III said in c. cum Marthae, de Cel. It is more probable that the affirmative judgment be held today as the common opinion among Theologians, just as all teach with St. Thomas 3, 74, art. 8, who says that the opposite opinion cannot subsist. Regarding however the mode of conversion, some said that just as wine is converted into blood, so water is converted into water which flowed from the side of Christ; but the same holy doctor in the cited place says: "Nor can this be reasonably said, because according to this the water would be consecrated separately from the wine, and congruent wine from bread." Others, however, as the same St. Thomas says in the aforementioned place, Scotus D. 11, q. 7, n. 2. Gonet Man. tom. 6. pag. 208. Frassen. tom. 11. p. q4. Et communiter Thomistae et Scotistae cum num. 17 dicunt aquam immediate converti in vinum et mediately in sanguinem Christi.

Reason, because it is not converted into the Blood of Christ the material that is merely wine from the vine, according to the Councils of Florence and Trent; hence water cannot be converted into Blood unless it is first converted into wine. They do not say that it hinders the rubric of the Missal, which commands that if water has not been poured into the Chalice from oblivion, it should be immediately set aside before Consecration; in this case, it seems that the conversion of water into wine cannot be accomplished so quickly, and then there would be a danger of idolatry, because an un consecrated matter would be adored. For they respond that it is fitting to adore what is represented by the cup, namely the Blood of Christ, and not other things which are not thus represented; for instance, if musk had fallen into the cup, it would not be adored. However, others, as on page 197 and his Continuator in volume 5, page 309, chapter 3, note 9, chapter 25. Lugo D. 4. sect. 3. cum q. 39. cum Alano, p. 55. n. 34.) consider that water immediately passes into the Blood of Christ. And they prove it by authority of the Fathers who say that from wine and water the Blood is made; thus says St. Jerome: He forms His own Blood from mixed wine and water.

Saint Ambrose: Wine mixed with water in the chalice becomes Blood through consecration. Others can see among the Probant authors a reason why, according to recent Physicists, transmutation of elements is denied, namely because themselves chemical arts well can separate, as we said in Baptism n. 104. And to this opinion, Innocent is said to assent in the dictum c. cum Martha, when the Pontiff there says that it is probable for water mixed with wine to be transmuted into Blood. Non dicit aquam conversam in vinum, sed aquam cum vino; ergo ante Consecrationem aqua remanet aqua. They do not say that it is an obstacle that another material

than wine cannot be converted into Blood, for they respond that mixed wine with a small amount of water becomes common wine, hence the entire material is consecrable; similarly, if a small amount of other grain is mixed with wheat flour in bread, the entire material is consecrated, as stated in no. 201, and teaches D. ar. 3. ad 3., because (as he says) a small mixture does not destroy the species. Therefore, the same must be said about water mixed with wine.

Both opinions are sufficiently probable. 210. — It is questioned II. What quantity of water is to be mixed in the cup? It is said on page 378 that priests who pour a single drop of water are not to be approved; but Bonac holds that this can be done without scruple. D. 4. qu. 2. p. 4. n. 4. Wiggand Ex. 2. n. 9. n. 32. et pro certo id habet . 45. sect. 3. From the Decree of Eugenius IV, which said: Wine is accustomed to have a very small amount of water mixed with it before creation. And from D. 8. ad 1., where it is said that a great quantity of water is not required, but suffice it that it be sensible.

On the contrary Laym c. 2. n. 9. n. 6. et Diana par. 3. tr. 4. R. 47. probabiliter dicitur sine scrupulo posse immitti aquam usque ad octavam partem; et Lugo D. 4. n. 38. Vioa qu. 4. a. 3. n. 3. ac Croix l. 6. p. 1. n. 439. cum Gob. (contra Bernal,) usque ad quintam partem, quia (ut aiunt) nullum vinum adeo debile creditur ut tam modica aqua corrumpatur. But Bus., as above, and p. 113, n. 163, think that it suffices that water does not exceed a third part; And this seems to be proven from c. Perniciosus, 13, de Col. Miss. where Honorius III merely prescribes: More wine than water should be placed (in the chalice). And in the Council of Trèves (according to 5th part, p. 180), it was thus said: Two parts of wine, one part of water.

However, in practice Problem 29. Vio, and c. do not admit this opinion of the third part, unless (as Escobar says, . But here it is to be noted what is found in the Rubrica (tit. 10. n. 12.): "If through negligence something of Christ's Blood shall have been spilled," if indeed on earth or on a table, let the tongue lick it up as much as suffices, and let the place itself be scraped as much as is necessary, and let the abrasion be burned; but the ashes be deposited in the sanctuary. If however it shall have fallen upon a stone of the altar, let the Priest observe the drop, and let the place be well washed, and the washing be cast into the Sanctuary. Si super linteum altaris, et ad aliud linteum stilla pervenerit; si usque ad tertium, linteamina ter abluantur; calice sup-posito; et aqua ablutionis in Sacrario projiciatur. And likewise it is said there, if Blood falls upon the Corporal, or upon vestments, or upon a carpet. ## DUBIUM.

V. What conditions are required for the matter of Consecration. For a valid

consecration, it is required that I. the matter be morally and sensibly present. — 212. Here the Hosts are validly consecrated when enclosed in apyxilum, or in darkness, etc. — 213. Nevertheless, invalidly consecrated are materials after the back or wall. II. Remote matter, III.

Material very small.— 214. It is required II that the matter be certain and determined. — 215. Is the host consecrated by an unwitting Priest? And whether separated drops of wine are consecrated. — 216. The Consecration is valid. I.

If the Priest determine in any way. II. If a Priest determines in any way. If he thinks that the offerings are fewer in number. III. If after piercing them for consecration, she forgets them. — 217. What if the Ciborium is left outside the corporal from oblivion?

IV. If offerings are brought after the Oblation. — 218. What are required for a lawful Consecration? — 219. In what cases does the Celebrant sin in consecrating? 211. — « Resp. 1. » For a valid consecration there are required two conditions; the first is that the matter be present morally and sensibly to the Priest consecrating. Thus commonly, and it is certain.

The reason is sought both from the institution of Christ, and from the words of the form "Hoc est" and "Hic est," which would not be verified if they were merely demonstrative: and also from the perpetual practice of the Church, never consecrating or even blessing absent things; and likewise from the reason of the sacrifice, which requires a present victim. V. Good. d. 4. Question 2. p. 6. Whereupon it is resolved: 212. — « I. The wine is validly consecrated in a cup covered with a lid, or in a vase, or in a closed cantharus: the bread in a basket, the hostia in a ciborium, or in a heap hidden under others that are concealed, for example, under a corporal, or a mappa, or even in the Missal, as is evident from riq. lib. tom. 5 cap. 4.2 (from which this last doubt can be seen: and at least gravely sinned would he who thus concealed or hidden consecrated). Likewise validly are consecrated hostiae present from a blind man, or another Priest in darkness.

(It is common with no. 120. And it suffices if from the relation of another the presence of the matter is certified, as Sot. c. 4. n. 120. The reason for all this is that for presence and sensibility it is not required that the matter should appear or be touched or struck by sound; hence commonly the practice of those who gently approach the mouth, breathing into the cup and inspiring bread with their breath, is not approved, provided only that it may seem to be present either in itself or in something else, for example, in its entirety, or contained within a vessel destined for such containment.

V. Bonaventurae, dissertationis quartae, quaestio secunda, paginis quinta. 213. — 2. It is invalidly consecrated I.

Material post parietem, aut post tergum posita, vel clausa in tabernaculo ut docet 2. p. 6 et alii. The reason is, because morally it is set to be absent; since it cannot be demonstrated by this and that; neither does the wall have itself as containing or touching. II. Material is very far off, for example a hundred paces distant, even though it may appear otherwise. » The reason is the same. As to whether proximity is sufficient, that is a matter for doubt, and depends on the prudent judgment of those skilled in moral matters.

Henry [of Ghent]. Book 8. c. 34. teaches, 20 or 30 paces (Lugo and Gahr put this forward). "at number 115." They consider the consecration to be in 20 passus as certain (which Bon. loc. cit. and others think is not certain). » See Schol. III.

Material so slight that it cannot be perceived by sense: then because it cannot be demonstrated, then because the Sacrament should be a sign of the sensible. Ita Henr. Understand this: if it is not found entirely but only externally, that which is external because even its smallest particles would be consecrated in entirety: as can be seen from chapters 3 and 4. — The second condition is that the matter be certain, both according to the intention of those who consecrate, and determined individually. It is common among Bonaventure and others: firstly because this requires the pronouns Hoc and Hic; secondly because actions are concerning singulars which should be certain and determined. V. Bon. l. c. p. 5. ## Whereupon it is resolved: « 1.

He who invalidly consecrates would do so if he wished merely to consecrate the third or the middle part of the host, without determining it, or from many, for example twenty presents, designating only four or five, and none; because there is no reason why one should be consecrated more than another. Item, qui ex multis hostiis intenderet illas consecrarare, vel illas partes hostiarum, aut vini, quas Deus elegerit, aut Titius designarit, aut partes illas, quæ fractis speciebus sunt mansuræ, in continuo, non quæ excident:quia non est materia definita. Bon. l. c. p. 5. 215. — « 2. The hostia is not consecrated when negligently placed by an ignorant priest, whether in corporali (the sequence nevertheless from cumulo), or below that. Con. 3. p. q. 74. art. 2. d. 3 et alii. The reason is because it is not determined in the mind of the priest whose will does not extend to the unknown.

Similarly, drops that adhere externally to the cup are not consecrated,

because they do not intend; rather, as is more probingly taught in .29.5.t.4.c.9.d.3.contra, it seems that the intention of the Church and consequently also of the Priest is that what is in the manner of one continuous whole be consecrated in the cup. Wherefore, that there may be no need for solicitous care in distinguishing the drops, the priest will do well if he once and for all intends that they not be consecrated, just as he does not intend the small pieces of host adhering to the table. See t. 3. m. R. 16. and p. 3. t. 4. Reference 32. Escob. l. 7.

E. 6. ubi docet Sacerdotem vi particulae Hic, » to intend by this consecration only that which can be contained in a single continuous drinkable unit in the chalice, therefore those drops are not consecrated. Which opinion is probable, according to the Decretals, book 5, title 4. Chapter 2, note 15. It is asked, whether the drops of wine in the chalice are consecrated when separated from the rest, if the Priest does not intend anything concerning them? Others dissent, as Bussem does. Others affirm, as Croix l. 6. p. 1. n. 449. with Monet Platel. quoted by Croix ibid., that if the Priest notices such drops before Consecration, if they are near, he should immediately mix them; but if remote, cleanse (quod ait Tanner. apud Dub. haud expedire), or exclude them from intention.

But Croix also says that it can lawfully be included in intention, so that there may not be wine in the chalice which is not consecrated. Thus also says Croix according to Busembach, that the Priest should consecrate small particles adhering to the host, but not those separated on the paten or corporal; nor does it hinder that by consuming them one might violate the fast, for then it seems more fitting to guard against the profanation of the Sacrament than the violation of the fast. If however the micae are in the ciborio, he (Croix) says that they should also be intended to be consecrated, since there is no danger of them being lost. 216. — « 3. The consecration is valid, I. If the Priest intend to consecrate only five hosts out of many that are present, by determining either all of them except the lowest and highest in the pile, or all the pairs, for example the second, fourth, and sixth if they are arranged in order, and from where the beginning of the count should be taken; yet this would be a grave sin. Because if this or some other circumstance occurs, and consecrated hosts are mixed with those intended for consecration, then the entire bundle should be carried to the altar, so that the priest may intend to consecrate the unconsecrated ones: rather, the entire bundle should be consecrated under condition, if they are not already consecrated.

And this ought rather to be done, because in consecrating hosts that are not consecrated, there is a lack of true determination of matter, and the word Hoc cannot be verified; hence all hosts should be consecrated under

condition, so that they may be validly consecrated; thus Lugo D. 4. n. 136. n. 129. with ibid., against Lugo, and De Afflicto.) Cardinal de Lugo, D. 4. de II. Even if he thinks that one, or two, or six hosts are to be consecrated when there are more, whether placed by himself or by another, because a speculative and private error does not hinder practical intention and the absolute conservation of all present ones, each is considered to have it implicitly as taught by Sylv. Henry and n. 128.) ˚ Hence if the Priest observes after the consecration two hosts joined together to be simultaneously consecrated, he will consider both as consecrated, as the Missal has it. Si vero ante Consecrationem, postquam obtulit, advertat, alteram separaverit, et post Missam ipse vel alius sumant, tanquam panem benedictum. III.

If anyone shall have brought more hosts to the altar, or shall have turned them reasonably so as to be carried by another for consecration, or before the sacrifice shall have been warned about the consecration of those already placed on the altar, he shall be excluded. Reason; for all are consecrated, even though they may not have been consecrated with due care, or even brought to Oblation, provided that they be present in a bodily manner, or at least on the altar. Thus King. L. 27. n. 19. 5. t. 2. c. 2. d. 4. q. 2. p. 2. et alii ab ipsi citati sunt, estque haec sententia in praxi tutissima. Because the preceding intention virtually and thoroughly separates with regard to those [things]. 217. — Quando Ciborium consecrandum positum est à Clerico in Corporali, te ad vertente, et illud jam intenderis consecrarare, certum est quòd consecras, licèt postea ad illud non advertas.

It is a common opinion, as Croix says in lib. 6, par. 1, n. 456; c. 4, n. 125; with Gavant and Suarez. But it is doubtful whether the Ciborium should be considered consecrated from oblivion left aside outside the Corporal? The first opinion, which calls it probable, affirms this, because, as they say, the will to consecrate already existed; and it was not withdrawn. Nevertheless, the common and more probable opinion denies this according to Reason, because, since the intent to consecrate outside the Corporal was a grave sin, one would not dare to presume that you had held it. But since the first opinion does not seem improbable, given that the matter is doubtful, reasonably says Blessed [Beatus]. XIV de Sacr.

Omission. L. 3. C. 18. N. 6. Chalice again according to the consecration: or, as it is said by the commentator. It is safer in practice to take those particles after the blood: And I add after the ablution but before the purification; because what remains of the blood certainly constitutes the Sacrament, but the hostiae in the Ciborium are subject to doubt. They, however, believe that Tourn. and Croix, loc. cit., can also have them

consecrated in another Mass under a condition: But this does not please me, because it does not seem to be an adequate reason for consecrating them under a condition, since they can already be received. « IV. If small hosts are brought for the communicants a little after the Offering has been made, the Priest adds (according to Aversa q. 11. » s. 12. before the beginning of the Preface), to be consecrated lawfully, with mental offering after the Oblation, as Gavant and Possev teach, p. 2, t. 14. »

R. 71. and Tann. de exped. sacrific. l. 2. c. 5. 8 (And this even if the Canon is incomplete, as § 2. with God. » Burg. Fourthly, Diana, and the Psalms when more would remain without Communion; and Blessed consented. » XIV. concerning the Sacrifice. M. l. 3. c. 18. n. 5. If however it were merely to remain, "one," according to the Code in that place recommends rather giving him the part to Hostio major; which can now be lawfully eaten, as Croix says n. 508 with St. Anton.

» etc. And it suffices for the cause if one were expected to long await communion.) 218. — « Resp. 2. For a licit consecration of the matter, it is required that 1. no greater quantity be used than can properly be consumed at the time, because there would be danger of the species becoming corrupted. Bon. l. c. 2. That it does not deviate from the use of the Church, especially in the Missal prescribed. ## Where resolved: 219. — « Peccat I.

He who opens not the vessel wherein the hosts are to be offered. II. He who consecrates the matter placed outside the corporal. III. He who intends to consecrate drops adhering externally on the calix, which would be grave; as for those adhering internally, there is doubt, because it does not sufficiently appear what the mind of the Church wishes to be avoided. Titus 7 commands her to abstain from them, and custom approves this. He, however, who omits this, is taught not to sin . 3. c. 1. §. 3., nay, nor to expedient it, if you oppose them when you are about to consecrate a chalice that has already been uncovered and the people expect the elevation.

After consecration, they are by no means to be wiped away. IV. Who before consecration determined thus: I do not wish to consecrate the offered hosts unless they are remembered at the time of Consecration, or at least at the time of Oblation. Thus Prefaced, this art. 3. d. 3. cit., even though sacrif. c. 1. §. 3. in such a case does not recognize any sin. ## DUBIUM VI. ## What is the Form of the consecration of the Eucharist. 220. What words are about the essence in the consecration of bread? And what are the words concerning the essence in the consecration of wine?

And whether the words should be spoken simultaneously, recited, and significant? — 221. What form is illicit? What form is invalid? And what is doubtful? — 222. What. I.

In the consecration of bread there are required the words: Who on the preceding day, etc. — 223. What. II. In consecration of the chalice, may all the words be of the essence? What. III.

What do Hoc and Hic signify? What does "Hoc" and "Hic" signify? IV. Is the Eucharist made if the word "est" is omitted? — 224. See more regarding the variation of words. What if the Priest is distracted while consecrating? 220. — « Resp. »

It is double, one bread and this is: This is "the Body of me"; where all are from essence except to that enim; whose omission would be venial (Cum Suarez, etc., apud n. 18. But not unreasonably 24. LIB. IV. TREATISE. III.

ON THE EUCHARIST. CHAP. I. Conc. condemn concerning mortal. For indeed in a matter so grave it is not fitting that any slight material whatever be deliberately chosen for the alteration of the law. Another wine, and this is its meaning: This is indeed the chalice of my blood, new and eternal testament, mystery of faith, which is to be poured out for you and for many for the remission of sins. Even though it is more widespread and common, the opinion of Saint Bonaventure prevails. Suarez, Bell., et aliorum contra S. Th. et Thomistas, quod essentialia sint tantum haec: Hic est calix sanguinis mei, vel Hic est sanguis meus, aut equivalentia eis; graviter tamen peccaret, qui aliqua ex reliquis omitteret, vel mutaret.

Formae debent proferri in persona Christi formaliter et significativè, sive assertivè (id est simul recitacè et significativè, scilicet referendo verba Christi, et applicando eorum significationem ad materiam praesentem, nempe ad panem et vinum, quæ Sacerdos in manibus habet, ut illa transmutet in Corpus, et Sanguinem Christi; ita n. 14. et n. 51. cum S. Th. 3. p. qu. 78. art. 5.) et non tantum recitativè, sive historicè, licet ea, quæ in Cañone praecedunt, dicantur tantum recitativè seu historicè. V. p. 2. Card. de Lugo d. 11. s. 5. § Unde resolves: 221. — “I.” It is valid but illicit, I. If with a secret consecration he should say: This is the body, this is the drink, this cup: or these things, or the content under these appearances, is my body, or my blood. Bon. l. c. p. 1.

II. If he says: "This is the new covenant in My blood, as it is written in St. [III]. This is my body, which I have taken from the Virgin: this is my blood of infinite value. IV. This is my body, this is my blood, or this is my blood.

The reason for this is because the same sense remains, and there is no substantial change.

The consecration will be invalid if you say: "This (adverbially) is my body." If however "Hic" is taken as masculine instead of neuter, it will suffice, even though not according to Grammar. c. 5 n. 3.) II. This Body is My Body: This Blood is My Blood. chapter 6. number 14 and 15. III. Behold my body.

Behold my heart unto me. IV. This is made, or this is my body: or, here the bread is converted into my body, or here the body is placed. V. Hoc fit, vel hoc est corpus meum: vel hic panis conversus est in corpus meum, vel hic ponitur corpus meum. That is my body: that is my blood. VI.

This is my substance; or, this is the body of Christ, c. p. 3. » 222. — It is asked I. Is it necessary that in the consecration of bread those words be required: Qui pridie, etc.? Ambrosius Catharinus, according to Habert (t. 5, p. 388), defended the consecration from peril through prayers concerning the essence of the Eucharist. DUB. VI. 25 antecedents; however, the words of Christ are recited historically from the precept alone; but this opinion is rejected by Saint Pius V in the Rubrics, n. 3, where it is stated after what was said (Tit. 5, n. 1) that the form of the body consists in those very words: "This is My Body." It is said: "But if, in a semiprofane form of the body, the Priest has died, " because, since no Consecration has been made, it is not necessary that Mass be completed by another.

Therefore, Consecration is not effected except by the words: Hoc est etc. This is confirmed in the Decree of Eugene, where it is stated: "The form of this Sacrament are the words of the Saviour by which He completes this Sacrament; for when the Priest speaks these words in the person of Christ, He completes the Sacrament." Therefore, the Sacrament is not consecrated except by the words of Christ, which certainly are no other than those: Hoc est etc. Scotus, however, in the fourth part, eighth question, second article, note five, does not doubt that the form of the consecration of bread and wine indeed are the words: Hoc est corpus etc., Hic est calix etc. But if only these words were pronounced, excluding those which were omitted on the preceding day, etc., would the consecration be effected? He doubts, and then says that the Sacrament is under the condition of being adored. Reason, because the words, "Hoc est etc.", pronounced without the preceding ones, by themselves do not signify the Body of Christ, but the Body of the Priest; hence it is necessary that through the preceding words be signified what the Priest speaks in the person of Christ. And this opinion are followed by the Angels. v. Eucharistia, n. 24.

Dupasquier, t. 7. p. 385. And p. 429. v. Resp. and Frassen tr. 11. p. 122. v. True, they say that it lacks all probability; but others commonly, as stated on page 259. Tourn. on page 20£. Gonet, on page 283. Page 259, note 7. Frassen l.c. et Lugo D. II. n. 36. (qui ait opinione Scotti ab omnibus rejici) docent ad Consecrationem sufficere sola verba: Hoc est etc. Probatur ex Decreto Eugenii, ubi dicitur Consecratio non aliis fieri nisi verbis Christi: « Forma hujus Sacramenti sunt verba » Salvatoris, quibus hoc conficit Sacramentum; Sacerdos enim in persona Christi loquens conficit Sacramentum.

And that the priest may speak in the person of Christ, it suffices that the Body of Christ be sufficiently designated both by the institution of Christ and by the intention of the priest, just as if a king were to institute certain words which, whenever pronounced by a judge, would represent the person of the king; these very words which are pronounced by the judge would represent the person of the king. This very sentence is common and most probable, but I dare not say it improbable: on the contrary, all the more so because the rubric of Title 3, n. 5. states this. T. 10. n. 3. and elsewhere, when the form is to be repeated on account of a doubtful matter, or because the form of the cup was semiprofane, it is prescribed that the Priest should begin with those words: Qui pridie etc., and Similarly in this manner etc. Question II. In consecratione calicis sola verba, Hic est calix sanguinis mei, sint de essentia? The first opinion denies this, and such is held by Gonet, p. 284. and no. 25, with S. Hurt. Aroo. to the essence: And for this opinion it seems that D. Thomas is in 4. d. 8. art. 2. qu. 2., where he says: «And thus those which follow are essential to the Blood, inasmuch as it is consecrated in this Sacrament, and therefore it must be of the substance of the form.»

Therefore, says Gonet, if those words are essential to the blood, they are also essential to the form. The reason for this proposition is that the Eucharist is instituted not only to signify the body and blood of Christ through the mode of food and drink, but also to explain the power of the passion of Christ, that is, the remission of sins which is held through the effusion of blood from the new testament, etc. Therefore, the words following, which express this power, must be said to pertain to the essence of the form. They, however, do not consider all subsequent words to be essential, for the Word of the Eternal is virtually included in those of the New Testament, and the words of the Mystery of Faith are included in those, "Who shall be poured out for you," etc. The second opinion, however, is more common, which the Scotus holds in the fourth part, eighth question, second article. Petri tomum tertium paginam trescentosexaginta sex quamdam quæstionem secundam numerus duo centum sessuadecim et quartam paginam duascentosexaginta duas. Conc.

p. 430. Lugo, D. 11, n. 60, cum Bellarmine, cum S. Bonaventurae, et Probantium iuramentum ex verbis Dionysii Pauli iuramentorum ad coronandos 11.

This cup is a new testament in my blood. Wherefore they say that it is incredible that the Apostle would have omitted anything essential to the form. They prove it by reason of this alone, because these words signify the presence of Christ's blood under the species of wine; whereas other words relate to the adorning indeed of the form, but not to its essential nature. And they think that this was the mind of St. Thomas, who holds these opinions, since the Holy Doctor says when speaking of the first words (as in qu. 78, art. i.) that they regard the essential; but when he speaks of the subsequent ones, he says that they regard the substance of the form. This explanation, however, whether it is true according to the mind of St. Thomas is not sufficiently perceived; hence Peter says well in this question that the opinion of the Angelic Doctor is very doubtful. Moreover, both opinions are speculative and probable; but in practice it is certain that the priest would gravely sin if he did not utter all the words which are contained in the consecration of the chalice; and if perchance he had said only the first words, he ought undoubtedly to repeat the whole form under the condition of integrity, as rightly pointed out by Nat. 4.

And this all should be said according to n. 3 where it is stated: "Si" the (Sacerdote) has died in the semiprolated form of the Blood, then another follows the Mass and over the same chalice repeats the entire form (intellige under condition, if perhaps he already spoke the words, 'This is the chalice of My Blood') from that place: Similarly also etc. Or he could have offered the entire form over a prepared other chalice, and taken as host the first Sacerdote's sacrifice and His own consecrated blood, and thereafter take the remaining chalice left semiconsecrated. » Question NoneIII. What do these words "hoc" and "hic" signify? Resp. when . 58. sect. 7. q. i. Holzman nu. 272, qui citat Scotum, Sporer, et alios communiter, quod verbum hoc vel hic significant: hoc ens, quod est cibus, est corpus meum; hic calix sive hic potus, est sanguis meus; omnis enim propositio in fine prolationis habet suam veritatem et effectum.

It is asked IV. Whether the Eucharist is constituted by saying merely: Hoc enim corpus meum: Bernal affirms this, saying that in the Latin idiom the word is surely understood to mean. Others commonly deny at merit, negating it generally among Croix, lib. 6, p. 1, n. 19. For although it is sometimes sufficiently understood with other added words; yet here it is not perceived from the absolute proposition itself, since there are no additional words that would denote subaudible words being intended. Here note, in regard to the change in the form of the words, what is found

in the rubric of the Missal (title 5, number 1): "If anyone should diminish or alter anything from the form of consecration and the words not signify the same, it would not constitute the Sacrament." Si vero aliquid adderet, quod significacionem non mutaret, conficeret quidem, sed gravissime peccaret. The Consecration is valid, if one says: Hoc est corpus meum, or corpus meum: just as Croix, l. 6, p. 1, n. 36, cum; similarly with what we have said, n. 110, de Baptism, ex c. Retulerunt Dist. 4, sufficit enim, ut verba formæ ingeant sensum à Christo intentum, otherwise if another sense were ingrafted into the words of the form, as if someone were to say, Hic (adverbially pronounced) est corpus meum, according to what St. Thomas teaches in 3 parts, q. 60, art. 8.

Even validly consecrated would it be, who added words conveying a meaning not corrupting, for example, This is my real body, as if he were to say: This is my figured body. And thus equally invalidly consecrated would he do if anyone were to say, "This is my body," as the Bonos say. Stew. Antoine, et Eibel, quia per haec verba non significaretur transubstantiatio panis in corpus Christi. They say no. 16. when Soto repels the scruple, if someone offers in place of the body of Christ the body of Christ.

Likewise, if it is for, let him bring forth as he has said. If for chalice, let him say chalk, as Henry. If for blood, let it be brought forth as blood; (and Scotus excuses this from all guilt, even though diligence in bringing it forth is omitted: better.) The reason being that there remains the form and substantial significance therein, since commonly at that time the calis truly receives the perception of the calix, and thus for other things. Note must be taken that if the Priest is distracted in making the Sacraments, it can hardly happen that the Sacrament will be rendered invalid on account of the minister's distraction; unless the distraction were total, says Croix, l. 6, p. 1, n. 85. We have approved as minimally improbable this limitation n. 14. of c. Sed ibidem. 25 LIB. IV.

TREATISE III ON THE EUCHARIST. CAP. I. • That the words of consecration may be most minimally repeated, unless greatly doubtful because he suspects that he has omitted something, as the Rubrica speaks in title 5, number 2, with these words: "If celebrating and not remembering to have said those things commonly spoken in consecration, he should not therefore be troubled." If, however, it is certainly established that he has omitted something of what is necessary for the Sacrament, let him resume the form. If, however, he very probably doubts that he has omitted something essential, he should repeat the form, at least under a tacit condition

DUBIUM VII. ## When Christ shall remain in the Eucharist. 223. To

what extent are the species consumed insofar as time is concerned? — 226. When is grace received? — 227. What if the Priest were to prepare himself between the offerings? — 228. Is more grace received if both species are taken, or if there is a greater quantity of matter? — 229. What if consecrated wine were poured into another kind of wine, or a spirituous liquor? 228. — « Resp. i.

Remains under the species even when divided, and under any part thereof, however small, until such a change occurs in them that the usual substance of bread and wine is corrupted. Thus it is communicated. when St. Thomas. And it is certain. It is certain among all, at least within the space of an hour, for its species to be changed in all. Nevertheless, he rightly observed 5.4 that according to the quality of the stomach being more or less warm or robust, the species are consumed more or less.

However, in general terms, Lugo D. 19. n. 54. reports that many doctors consulted by themselves in Rome considered that among laics the species would corrupt within a short time, and among priests within half an hour: both of which Bernal approves according to Croix I. 6. p. i. n. 476. But Arriaga ibid. holds that in the laic peace is consummated within five Pater and Ave, and in the priest after the vestments have been laid aside. At least after the quadrant from the Communion, even in the Priest, Lugo holds that it is certain that consummation occurs, and Croix agrees with this regarding the healthy [person]. 226. — “i. Grace is given in the first mastication also of the first part, since the whole Sacrament is there. Manducatio autem dicitur trajectio ex ore versus stomachum, etsi alii dicant gratiam tum primùm dari, cùm pars aliqua est in stomachum recepta. t. 6. m.

R. 96. from Henry. Syll. et de Lugo d. 12. s. 3. « 2. Species are not to be retained in the mouth for so long as they completely perish: because then Christ would not be eaten, nor would grace be conferred by the Sacrament; just as if you were to die while the host is still in the mouth. . c. contra V. Bon. d. 3. q. 5. > p. 2. n. 2. 227. — « 3. If anyone having taken a part of wine or of the host indisposedly, and afterwards prepared himself, would still receive grace in the taking of another part.

Thus n. 10: because at that time the Eucharist still has the power to confer grace by virtue of the work accomplished. And also some, as c. R. q6. ex Nug. V. Cardinal de Lugo, distinction 12, section 2. n. 46, 53, and 64, where that is subsequently denied. V. Good chapter » 228. — « 4.

It does not seem reprehensible for a layman to desire to be a priest so that he may communicate under both species, which he thinks receive more

grace under both than under one: because this is not improbable, as Vasquez teaches. Moral. Card. de Lugo dubitatur 12. s. 3. et alii 0 (Cum Alensi, Hurt. Leand. Palaet apud Laodiceam, et pluribus apud n. 15. contra Bellar. meritò vocant:) ut nec carnenda devotio illius, qui multum materiae sumit ad consecrationem eam mente, ne tam citò in stomacho species consummentur, et sic diutius secum Christus maneat, et sapientius gratiam augeat: quod fieri non est improbabile, si dispositione subjecti fiat melior, ut docent. . Item Fagund. et t. 6. m. R. qy. 0 (The same opinion is held by Gonet, tom. 6, p. 36.

Lugo D. 12. n. 48. with Juvenal n. 206. with Reg. Master. Beasts and others; likewise c. 6. » n. 12 and 13. those who merited it consider it probable. Reason, because, as Florentius says: "This Sacrament was instituted in the manner of food;" hence just as food is congruent for the whole time it remains in the stomach and nourishes the body, so too always and equally does the Eucharist remain in the body and nourish the soul by increasing grace. Here however it is to be noted according to p. 526 that Innoc.

XI. post Decretum S. C. damnavit abusum tradendi communicantibus plures particulas simul, vel solito grandiores. [TRANSLATION_ERROR after 3 attempts: 400 Client Error: Bad Request for url: http://127.0.0.1:1234/v1/chat/completions] [TRANSLATION_ERROR after 3 attempts: 400 Client Error: Bad Request for url: http://127.0.0.1:1234/v1/chat/completions] [TRANSLATION_ERROR after 3 attempts: 400 Client Error: Bad Request for url: http://127.0.0.1:1234/v1/chat/completions] Therefore thus only is questioned here, i. Whose is it to dispense the Eucharist?

What on the part of the Minister is required for a lawful dispensation? ## ARTICLE I. ## To whom pertains the dispensation of the Eucharist. 230. May it alone be permitted to the priests to minister the Eucharist? — 231. Whether only those priests have validly consecrated? — 232. What is to be noted about priests consecrating a single Host simultaneously, whether with a Bishop? — 233. Whether a parish priest is bound to minister the Eucharist during the time of pestilence? — 234.

Whether an inferior Priest incurs irregularity by ministering? — 235. Whether is the consent of the Pastor sufficient? — 236. What if the ministering should be Vatican? — 237. What. I. When is it licit for a deacon to minister?

Qu. II. May clerics, or even laypeople, receive the Eucharist by themselves in necessity? Yes. III. May a layperson minister to another in necessity the Vatican? — 238.

May a Priest communicate himself outside the sacrament of penance? — 239. May others besides the Pastors be permitted to minister the Eucharist at the point of death, and during the Pasch? — 240. In what cases is it permissible for Regulars then to minister [it]? 230. — « Resp. To dispense the Eucharist ex officio can do so only a priest having ordinary jurisdiction, whether delegated or at least reasonably presumed, or by privilege. The reason is, because it is the proper duty of pastors to shepherd; which is principally accomplished through the Sacraments. IV. q. 1. p. 1. Card. de Lugo 231. — The faith teaches with certainty that only priests validly consecrate the Eucharist, as is evident from Tradition and the definitions of the Council of Nicæa, chapter 14.

Lateranensis sub. Innoc. III. c. 1. Florentine and Tridentine session 23, canon 1. He brings forth that from the Council of Trent taken from Matthew 26 and Luke 22. Do this in my commemoration. In what words alone does the power to consecrate a host bequeathed by Christ to the Apostles and their priestly successors appear: for it was fitting that ministers be consecrated specially for such a ministry. 232. — It should be noted here, if several priests were to consecrate one host at the same time, all would indeed effect the Sacrament, as is common with Suarez, n. 5, and others infer many things, that new priests who consecrate with the Bishop first ought to care, so far as possible, to simultaneously with the Bishop absolve the form: furthermore they should have the intention of consecrating only then, when in the same time they with the Bishop absolve the form: Moreover, beyond this, in the consecration of the chalice they intend not to consecrate it if they perhaps do not consecrate the bread themselves.

Since it is certain that only priests can consecrate; hence it is also certain that the ministry of the Eucharist pertains solely to them. — It is asked whether the parish priest should be hindered from ministering the Eucharist when there is danger to life? The first opinion greatly affirms this, and such is held on p. 355, q. 19; p. 408, n. 13, n. 286; and elsewhere. On the contrary, Sylo, suppl. q. 32, a. 3, says: "The opinion of others is more secure and probable, namely, that the parish priest should be held to administer the Eucharist to his own parishioners who are infected with pestilence or some other contagious disease; even at risk to his own life, unless this be done by someone else, and unless certain circumstances arise on account of which it can justly be excused." "Reason, because although this Sacrament is not necessary for the remission of sins, it is nevertheless morally necessary for persevering in justice." He, however, objects Sylvius (post 1. « Si aliqui infirmi aliaes essent absque » Confessione morituri. 2.). If there is a grave danger for the Parochial priest

and his death would be a great loss to the people, then it is fitting that he himself remain, and not easily replaceable by another. The second opinion, however, denies what is held by some.

Saint Diana, page 3, tract 4. Reply 174. with Major Villal. and 484. Reason, because this Sacrament is not so necessary that the parish priest be held bound to administer it in order to preserve life. And this judgment is also very probable from the Declaration of Gregory XIII as found in Fagnan, tom. 3, in cap. Clericos de ubi refert, quod Parochi tenerentur ministrare Sacramenta tempore pestis instante S. Carolo Borromaeo? The aforementioned Pontiff, on the 12th day, approving the Decree of the Sacred Congregation of the Council, declared thus: "A parish priest is to be held bound to minister the two Sacraments necessary for salvation to his parishioners who are laboring under the pestilence, namely Baptism and Penance; yet he may himself or through an appropriate person administer them, so that the parish priest can hear the Confessions of those who are well, lest they reform him if they see him approach the sick with the plague." "Fagnanus then reports that the same Gregory on day 26."

October 1576. Archiepiscopo Florentino, qui decreverat Parochos suae Decisis: teneri tempore pestis ministrare Sacramenta, praecipit ei rescribi ab eadem S. C. Concilii: « Parochos teneri omni- nino ministrare (tandum) Baptismum et Penitentiam. » And thus in fact the Sacred Congregation wrote back, adding moreover a word through others; for the Sacred Congregation said that this had been the mind of the Pontiff, namely to prohibit so that Parishes not themselves minister Baptism and Penance even when willing, for the convenience of the Parishioners who were sound. Ita Fagnanus. Then this must diligently be noted, namely, when it was sought around the same time whether parochial priests were to be required to reside at their posts during the time of pestilence? The same applies to Fagnanus loc. cit., that the Sacred Congregation acted on the sixth day.

December 1576 decreed: «to be held, but this is not to be stipulated by general law, » but rather by Letters of the Holy See, which were meant for the aforementioned Archbishop, so that it would not compel all parish priests, but would assign some portion of work, or appoint other priests; with the Council. Arm. » and . But having established the relationship, the Pontiff decreed: "Simple Letters are to be written to Cardinal S. Praxedis," by which it is signified that His Holiness has decreed that parish priests should remain in their churches at all times during the plague, yet they may nevertheless minister the Sacraments of Baptism and Penance through another person; and if they do not abide by this, proceedings are to be taken against them, observing the form of Session 23 of the Council of

Trent." Finally, it was doubted by some ecclesiastical prelates what is the proper office of bishops during a pestilence—namely, whether they are to be held bound to reside; and also to minister the Sacraments to their own parishes? The Pontiff referred to having declared on December 18, 1576, thus: « The decree made in parishes proceeds much more fittingly in bishops, who are more bound by obligation; yet it is possible for bishops to remain in safer places and to provide from there. »

» Et hoc observare oportet, quod hoc Decretum fuit proprium Pontificis, quo generaliter explicatum fuit officium Episcoporum: verum enim, si Episcopus in hujusmodi necessitatibus suas oves deserat, quis alius eis satis providere curabit? 254. — « I. He sins mortally who dispenses the Eucharist without any jurisdiction. Bon. l. c. p. 2. quia violat aliam jurisdictionem in re gravi. Moreover, a lower Priest incurs an additional irregularity, as taught by Coinc.® (The same is taught in 3rd with Coinc.). Sporer. same title, chapter 5. » nu. 309. p. 131. cum Bonac. et n. 20. qui dicunt idem de Clerico ministrante Baptismum solemnitert.

Reason, because among these Sacraments only the Priest is Minister, and the Deacon ministers only by commission; hence also the Deacon, when ministering these Sacraments without commission, incurs irregularity, according to c. 1 de Cler. non ord. See what has been said about him. Dub. 2.) Hinc Religiosi etiam ipsa facto incurrunt excom- municationem Papae reservatam, si scilicet sine licentia Pa- rochi, et quidem speciali, praesumant clericis vel laicis dare Extremam Unctionem vel Eucharistiam vel Matrimonium solem- nizare: nisi habeant privilegium vel Parochus absit aut injuste nolit in articulo mortis. However, the dicta excuse ignorance, even gross ignorance, according to t. 3. R. 51. Idque propter verbum praesumant. 258. — “2.” Licitly ministers the Eucharist he who presumeth rationally, and his shepherd, whom he hath made Pastorem, is approved to be approving him.

Reg. l. 29. n. 91. Bonac. l. c. n. 9.) (Palaus punctum. 18. num. 4. dicit: ex consuetudine communiter praesumi consensus Parochi quoties Communio non fit ex obligatione. From hence rightly says Ronca-glia, cap. 4., Question 2. Resp. 1. Cum communi quod cui conceditur facultas celebrandi intelligitur etiam concessa facultas Eucharistiam ministrandi. And thus recreation has a use everywhere. He nevertheless says that this presumption has place only when Communion is received from affection, not however if it be from obligation: but rather No. 4 admits that also in the Paschal precept, if the presumption be reasonable, namely if a person frequently communicates.

Moreover, Croix n. 634. and Lugo d. 18. n. 51. cum . Diana, and others

rightly say, that this presumption in Communion from obligation is not to be easily held: but Croix justly adds that it is not always sufficient, because certainly the parish priest would give permission if asked; for if he were recognized as Pastor, and at least confusedly knew his own flock. — If an infirm person needs to be provided with the Sacred Viaticum, and the proper Pastor is absent or unable to bring the Eucharist, any other Priest, whether regular or secular, can confer it, because then the will of the Bishop or Pope is presumed. Thus. 5. treatise 4. chapter 7. Bon. l. c. n. 10., sed injuste, n. 15. cum q. 2. R. 2. cum S. Th.) 237. — "I said in gr. during a great feast, when the Priest is occupied with confessions, sermons, etc." t. 6. R. 39. ex Praep.

In extremis vero necessitate, v.g., in articulo mortis, si non esset alius, etiam diaconus, imo laicus licere secluso scandalo et alios et seipsum communicare probabile est, ut contra Concilium . hoc d. 2. n. 11. confirmatque 5. One must administer solely the two Sacraments necessary for salvation, namely Baptism and Penance; yet it is possible to administer either by oneself or through an appropriate person, so that the parish priest may hear the confessions of the sound, because otherwise they would reform him if they saw him approach the sick. » Then Fagnanus refers, that the same Gregory on day 26. October 1576. Archiepiscopo Florentino, qui decreverat Parochos suae Decisis: teneri tempore pestis ministrare Sacramenta, praecipit ei rescribi ab eadem S. C. Concilii: « Parochos teneri omni ministrare (tantum) Baptismum et Penitentiam. » And thus in fact the Sacred Congregation wrote back, adding moreover a word through others; for the Sacred Congregation said that this had been the mind of the Pontiff, namely to prohibit so that Parishes not themselves minister Baptism and Penance even when willing, for the convenience of the Parishioners who were sound.

Ita Fagnanus. Then it must diligently be noted that, when at about the same time it was sought whether parochial priests were to be kept residing at their posts during the time of pestilence? The same applies to Fagnanus loc. cit., that the Sacred Congregation acted on the sixth day. December 1576 decreed: « to be held, but this is not to be stipulated by general law, » but rather by Letters of the Holy See, which signify to the aforementioned Archbishop, that he not compel all Parochos, but rather assign some portion of work, or appoint other Priests; with the consent of the College. Arm. » and .

But having established the relationship, the Pontiff decreed: "Simple Letters are to be written to Cardinal S. Praxedis," by which it is signified that His Holiness has decreed that parish priests should remain in their churches at all times during the plague, yet they may nevertheless minister

the Sacraments of Baptism and Penance through another person; and if they do not abide by this, proceedings are to be taken against them, observing the form of Session 23 of the Council of Trent." Finally, it was doubted by some Church Prelates what is the proper office of Bishops during a pestilence, namely whether they are to reside; and furthermore, whether they are to minister Sacraments to their Parishes? The Pontiff referred to having declared on December 18, 1576, thus: « The decree made in parishes proceeds much more fittingly in bishops, who are more bound by obligation; yet it is possible for bishops to remain in safer places and to provide from there. » » And this must be observed, namely, that this Decree was proper to the Pontiff, by which the office of bishops in general was explained: for truly, if a bishop abandons his sheep in such necessities, who will take care to provide adequately for them? 234. — « 1. He sins mortally who dispenses the Eucharist without any jurisdiction. Bon. l. c. p. 2. quia violat aliam jurisdictionem in re grave.

Moreover, a lower Priest incurs an additional irregularity, as taught by Coinc.® (The same is taught in 3rd with Coinc.). Sporer. code. title chapter 5. » nu. 309. p. 131. cum Bonac. et n. 20. qui dicunt idem de Clerico ministrante Baptismum solemnitert. Reason, because among these Sacraments only the Priest is Minister, and the Deacon ministers only by commission; hence also the Deacon, when ministering these Sacraments without commission, incurs irregularity, according to c. 1 de Cler. non ord. See what has been said about him. Dub. 2.) Hinc etiam Religiosi incurri possunt excom- municationem reservatam a Papa, si clericis vel laicis Extremum Unctionem dare, vel Eucharistiam, vel Matrimonium solemnizare presumant sine licentia Parochi, et speciali, nisi habeant privilegium, vel Parochus absit aut injuste nolit in articulo mortis.

However, the dicta excuse ignorance, even gross ignorance, according to t. 3. R. 51. Idque propter verbum praesumant. 235. — “2.” He licitly ministers the Eucharist who presumes rationally, and his shepherd, having become such a pastor, is approved to approve it. Reg. 1. 29. n. 91. Bonac. l. c. n. 9. 1 (Palaus punctum. 18. num. 4. dicit: ex consuetudine communiter praesumi consensus Parochi quoties Communio non fit ex obligatione. Here rightly says Roncalli, cap. 4, question 2.

Resp. 1. Cum communi quod cui conceditur facultas celebrandi intelligitur etiam concessa facultas Eucharistiam ministrandi. And thus the recurrence is everywhere established as usage has it. He nevertheless says that this presumption has place only when Communion is received out of devotion, not if it is due to obligation; but no. 4 rejects that also in the Paschal precept, if the presumption be reasonable, for instance, if a person frequently communicates. Otherwise, Croix n. 634. and Lugo d. 18. n. 51.

cum. Diana et aliis recte dicunt hanc praesumptionem in Communione ex obligatione non esse de facili habendam: imo meritò addit Croix non semper sufficere, quod certè Parochus daturus esset licentiam si peteretur; si enim recognosceretur ut Pastor, et ipse saltem confusè cognosceret omen suam.) 236. — Si infirmus sacro Viatico muniendus sit, et proprius Pastor absit, vel praesens non possit deferre Eucharisti-tiam, quivis alius Sacerdos, vel regularis, vel sæcularis, et hoc deficiente, etiam diaconus, ei conferre potest, quia tunc praesumitur voluntas Episcopi, aut Papæ. Thus. 5. treatise 4. chapter 7.

Bonaventura, loco citato, numquam dixit, caput nondecimum, capitulum nonum, numerus quindecim, cum quaestio secunda. R. 2. cum S. Th.) 237. — "I said in the gr. on a great feast day, when the Priest is occupied with confessions, sermons, etc." R. 39. ex Prap. In extremis vero necessitate, v.g., in articulo mortis, si non esset alius, etiam diacono, òmò laico, licere secluso scandalo, et alios et seipsum communicare probabile est, ut contra Concilium . hoc d. 2. a. 11. confirmatque 34 LIB. VI. TREATISE.

III. ON THE EUCHARIST. CAP II. t. 1. R. 48. from the Conclusion 9, t. 1. R. 3q. in practice, however, this is not easily to be done, on account of the contrary custom.

Card. de Lugo d. 18. lib. 2. Bonav. d. 4. q. 5. page 1. Here it is asked thus I. When a Deacon can minister the Eucharist. There is no doubt that a deacon can minister the Eucharist in necessity, as is stated in Carthage.

IV, Can. 3q, ubi dicitur: "Diaconus prasente Presbytero Eucharistiam charitatis Christi populo, si necessitas cogat, jussus eroget." But it is doubted whether this necessity should be extreme? It is affirmed on page 452 by Habert and Wittas, saying that it is necessary to require the necessity of administering Viaticum when a Priest is absent; because otherwise the scandal would not be avoided, since the usage which had been prevalent in the Church from the beginning (as testified by Alensis, Sotus, d. 72, s. 2, concl. 3, n. 6) has already fallen into disuse. Lugo d. 18. n. 27. n. 2. et n. 8. cum qui dicunt sufficere necessitatem gravem, nempe cum nullus adsit Sacerdos, qui commode possit ministrare. And to this the Bishop of Chartres did not dissent, admitting that a sufficient reason would suffice for that. Otherwise Syl. v.

Deacon says: The command of the Bishop or Parish Priest is sufficient, even if no cause exists for it. And it is held in question 2, that even absent a Priest, and without commission, and with no urgent necessity, a Deacon can minister. But justly does Father Suarez reject these two opinions. All, however, agree that in extreme necessity, absent a priest, the deacon may

and shall minister Viaticum, even without commission: thus Toledo l. 3. c. 28. nu. 2., and Victor l. c. Grozio l. 6. p. 1. n. 489, and others. It is asked. Is it licit for clerics, or even laics, to take the Eucharist by themselves in necessity?

The first opinion denies this, and this is held by Lugo on the 18th day, note 24, who calls it common; Gonet on the 10th day, note 18, at the end, number 5, with Paludius number 11, with the converted one: this Sacrament is not necessary to salvation. The second opinion affirms this, which is held by . 72. sect. 1. in fine, Caj. in Matth. 26. Fill. tr. 4. n. 285. n. 4. Escobar l. 6. n. 455. Diana page 3, treatise 4, response 47, and they consider probable Lugo doctor on the 18th, number 23, and number 27. Reason, because in such a case of necessity, for instance at the point of death, the divine precept to communicate is urgent; conversely, no divine or ecclesiastical precept appears to prohibit this; rather it is known, DUB.

I. OF THE MINISTER OF THE EUCHARIST. ARTICLE I. 35: What once faithful laity used to bring the Eucharist to their homes and communicate to themselves with their own hands: and this was permitted on account of necessity; but why will it not be permitted at some time when the same necessity occurs? Then it is further asked: Thirdly, whether a layman may administer Viaticum to the dying in necessity. He denies. Decretum, I, quaestio 1, articulus 3, quaestio 1, ad 3: ubi, postquam dixit licere laico tangere corpus Christi in necessitate, puta ut extrahat Eucharistiam e loco immonde, subdit: « Sed non est simile de dispensatione Sacramenti, » quia receptio hujus Sacramenti non est necessitatis. And the same is held by Lugo, d. 18, n. 22, p. 448, q. 4, and p. 353, with St. Ignatius and Henno.

Reason, firstly because this would be contrary to the universal custom of the Church; secondly because this Sacrament is not so necessary that as was said above it must be administered by a layman in necessity; thirdly because in cap. Pervenit 29 it is expressly forbidden to priests to commit the ministration of this Sacrament to laity. Tourn. accepts only the case where the sick person would be unable to receive another Sacrament and would doubt concerning perfect contrition; because then the Eucharist becomes a Sacrament of necessity. They affirm however, 72: 3. at the end, and Cajet. Fill. Val. c. and very strongly adheres n. 4. Reason, because no sacrilege is committed against the Sacrament if the Eucharist be administered to a dying person in such necessity by a layman.

It does not hinder the text cited in c. Pervenit; because he is speaking of a Priest who committed the ministration to a layman even beyond cases of necessity. Neither does it hinder the contrary custom; for since this case will rarely occur, the contrary custom can hardly be approved. Habet hoc

etiam Habert t. 5 p. 511 q. 2 ubi dicit quod, occurrente necessitate, nempe tempore pestis, bene poterit judicio Episcopi etiam laicis permitti Eucharistiam ministrare. Probabile est etiam extra mortis articulum ex gravi causa licere Sacerdoti præciso scandalo sacram hostiam sumere ex sacrario vel à Diacono allatam sibi ipsi dare, v. If for a long time he had not received communion during a protracted illness, as against p. 3. loc. cit. 3. It is probable, even outside the article of death, to allow a Priest, who has been grievously scandalized, to take the sacred host from the sacrarium, or to receive it himself from the Deacon, v. gr., if for a long time he had not communed in a prolonged illness, according to p. 3, l. c. 3. E. 6.

l. c. (However, Croix no. 481. with, etc., q. 4. n. 18. with Sylvius, etc., say that a priest can always communicate to himself for the sole reason of an opinion, because without precise scandal there is no irreverence, nor anything forbidden elsewhere, unless another priest be present: and he considers this not improbable, n. 12.) Here it is added with "this even permitting a Deacon, because from the Nicene Council." » 14. id ei conceditur. Finally concludes the current discipline to be可观herits "Any Christian faithful, except in the article of death (in which, however, if necessity demands, the ratification of the Pope is presumed even against the Will of the Parochial Priest, as Bonaventure holds), and on the Feast of Easter." "(Et præterquam, si Episcopus rationabiliter aliqui Communionem prohibeat)." V.

Card. de Lugo 1. c. s. 2. n. 38 et 49. "Moreover, through the feast of Pasch, Pontiffs seem to understand and prohibit that communion which suffices for the precept of an- " nuous communion, as Sa, Fill., and the common doctrine teach." By the article of death is understood the time when either death stands proximately at hand, and morally it is certain and inevitable, or when there is the danger of death, that is, a probable doubt concerning the preservation of life, in such a case where death commonly happens very frequently. de rel. lib. 2. Chapter 2, Article 3, Part II, Section 4, and others 240 — "From these words it is resolved that regulars may lawfully administer the Eucharist at the hour of death, as well as in subsequent cases following the Paschal season." If necessity is extreme, as when there is danger to eternal salvation. 2.

If there is a grave necessity, that is, a probable danger of death, and the parish priest does not wish to or cannot provide it. Card. de Lugo d. 18. s. 2. n. 53. ˚ (Cum quod de secundo. R. 2. and in many instances, against some.) ˚ " 3. If they have a privilege from the Pontiff or Bishop: what kind of privilege do some Religious at certain places have from Bishops to give Paschal communion this time? If anyone is unable to receive communion

in his own parish during Easter and cannot ask for indulgence from the parish priest. If on account of the reason for the Paschal Communion they have satisfied themselves in their own Parish before, or think that they will satisfy afterwards, because then in the Parish there is no loss, since on the very day of Paschaltide they can abstain from communion; so it is said according to 72. s. 3. n. 3. n. 40. with commonality. Thus against Herr and Nao do Sa, Fill. et g. teach that otherwise those who have the reason for communing in their own Parish cannot be sent away from it.

Card. de Lugo d. 18. Section 2, number 50. SS. P. Bened. XIV. The Sacred Congregation declared in its seventh session, chapter 42, that the Regulars cannot administer the Eucharist to those who communicate from devotion at the Pasch.

But Q. 9. R. 2. and Wigandt Eze. 4. n. 48. "in this to have a constant custom contrary thereto, which provides jurisdiction." If a sick person has not yet reached that state wherein he is bound by precept to communicate, although then he remains obligated to receive communion at the hand of the parish priest in extremis. If the sick person has fulfilled the precept concerning viaticum with the intention of fulfilling it: because the administration of the Eucharist is only forbidden to Regulars when the precept of communion obligates them. » Neverthless, without license from the Bishop or Parochial Priest, even though Religious may publicly bring the Eucharist through the marketplaces, this contravenes the customary right of the parishes: hence in the case of a sick person's oratory, or some other decent house place, by private authority of the Ordinary, the Eucharist is to be given.

Thus. 4. R. 14. and p. 9. t. 9. R. 63. " 8. Some, who frequently communicate among the Religious, are unable to bring themselves to communicate in the Parish; and this is done through a tacit and presumed consent. » t. 4. c. 7. n. 4. thinks it easier to presume in military prelates; likewise in courtiers, students, and other Academic personnel, etc., who frequently communicating are usually outside suspicion. » See chap. If during Paschaltide there are vagabonds and pilgrims, according to a probable opinion of many, whether they should be admitted to communion.

» d. 37. Ecclesiastical law, book 1, chapter 8. Card. de Lugo l. Chapter two. Response 12. (V.

Not. I, page 345.) Against this, on page 455, verse. Regarding it and question two. R. 2. with Barbosa and Passer., saying that for the veins it should take the Paschal Communion from the hand of the parish priest of

the place, because at that time he is to be considered their proper Pastor. But Busemb. teaches most commonly in opposition: disp. 23, n. 17; p. d. 72, s. 2, in the end. Lugo d. 18. n. 50. (qui vocat fere communem) . 4. ar. 10. n. 40. n. 7. et num. 31. cum. etc. Ratio, quia peregrini et vagi non habent proprium Pastorem; et favet Declaratio Eugemi IV, (apud .

Against this, it is opposed on page 455, verse. Regarding, and question two. R. 2. with Barbosa and Passer., saying that for the veins it should take the Paschal Communion from the hand of the parish priest of the place, because at that time he is to be considered their proper Pastor. But Busemb. commonly oppose, teaching otherwise: disp. 23, n. 17, p. d. 72, s. 2 in fin. Lugo d. 18. n. 50. (qui vocat fere communem) . 4. ar. 1 0. n. 40. n. 7. et 31. cum. etc. Ratio, quia peregrini et vagi non habent proprium Pastorem; et favet Declaratio Eugeni IV, (apud « 10. If they are familiars, or domestics, or familiarities of theirs, » who have such a privilege around them.

Soc. » 2. Familiaris, and t. 1. de dubiis Regularium, R. 12. It refers to a certain Declaration on page 2, paragraph 1, number 19. S. C. » Concilii (apud Sa); quia dictum fuit famulos sæculares Monasteriorum tenere sumere Communionem Paschalem in Parochia. This however Bonaventure says should not be understood of those who dwell in monasteries or in places exempt from the care of parochial priests: and the same is held by n. 40, when it agrees with the common, as it asserts in q. 2.

R. 2. n. 10. et n. 30. cum Dic. Altamoen Wiagandis Ex 4. n. 48. et Benedict. XIV, Notif. 55. t. 2. they feel the opposite; for (as the aforementioned says, 24. c. 11. They serve in act, residing within their walls and houses, and live under their obedience. Wherefore, as he says, they are not exempt from the obligation of Parochial Paschal Communion unless they live within the very enclosure and under the obedience of the Regular Superiors. And to this conformity, the same Blessed [person] refers many decrees.

S. C. and notably LIB. 38. IV. TRACT. III. ON THE EUCHARIST. CHAP. II.

That printed [or: that which is printed] 22. November 1721, in which it was said to hold and receive » Communion by those nuns' servants residing in » houses situated in courtyards of monasteries surrounded by walls, » which are contiguous to monasteries, with the door which is closed. But notwithstanding this, Croix l. 6. p. 1. n. 635 refers. Society of Jesus is expressed to have been granted a Privilege, so that famuli and domestics residing within religious enclosures may be able to satisfy themselves with receiving the Paschal Communion in the temples of the Society. » But

there it is noted by Father Zaccharia that the Sacred Congregation has many times decreed that this privilege does not extend to other Religions. ARTICLE II. What is required in the Minister for the lawful administration of the Eucharist. 241.

Is an Eucharist to be brought to the sick man with a stole, a suprapelliceum, and a light? What about the Extreme Unction? — 242. Is it permissible to run in necessity? — 243. May the reception of the Eucharist be deferred on a horse? And is it permissible to carry her there to be worshipped? — 244. Is it permissible to dispense or celebrate with later fingers?

And concerning the middle instrument of time in the plague? — 245. When shall one sin by dispensing on account of the defect of the Church's Rite? — 246. To whom it is not permitted to offer Communion? — 247. Moreover, should Communion be offered to a king who has been condemned? And whether to the semi-fatuitous, and to those who are obsessed? How the Pastor ought to defend the Eucharist?

And whether the Eucharist should always be held and deferred with light? — 249. Is the Communion to be ministered at the Mass for the Dead? — 250. What is to be done if the Host falls to the ground? What is to be done with the fragments of the Host? — 252. At what hour and on what day may Communion be given? — 253. How often is the parish priest bound to minister Communion? — 254.

What is to be noted regarding daily Communion? 241. — « RESP. I. That the Minister in the distribution of the Eucharist may not sin, besides grace, reason and the Canons also require reverence; so that this Sacrament be omitted (since its reception is often not necessary for salvation), rather than positive irreverence being admitted. Therefore the resolution: 1. The Eucharist is not to be administered to the sick, except with decent attire, that is, with a stole and a cope, and preceded by light: similarly regarding Extreme Unction, whose matter, since it is not a Sacrament, does not require such reverence. (So also Mazz. with Croix, and common opinion.) However, some think that if the attire cannot be worn, or it is a time of haste or repetition, there would not be irreverence if the Priest were to carry the Eucharist in his stole or corporal wrapped in his bosom. That which seems to be more certainly permitted in heretical places, where even by necessity and openly, with a cleared scandal, it can be administered without stola and superpellicium: although it should never be celebrated without sacred vestments when given for the viaticum. Bonaventura, de quarto, quaestio quinta.

Page 2. To administer the Eucharist without light and with a customary confession is considered merely venial, as the commentators say in Section 4, verse. Third, question 3. R. 2. with Fourth, Croix n. 489. with Gob. and n. 24. with ac n. 132. in fin. with common as he asserts. But to minister without a stole and chasuble, the Doctors are of the opinion that this is a mortal sin in its own right, as stated in chapter 270. However, omitting merely the stole, he says.

Whether, however, it is permissible to administer the Viaticum without light and sacred vestments in necessity? He denies it in his second part, note 8, with reference to Sylvestris and Posseus, because (as he says) it is more fitting to preserve such a Sacrament with due reverence than to communicate it to the sick. But more commonly and sufficiently probable affirm Croix and Mazz. ll. cc. Gobat. tr. 4. n. 417. p. 83. n. 63. et cum Fill. To defer the Eucharist to another altar without sacred vestments, says Croix l.c. with Diana and comm., does not exceed a venial sin. He also holds that the Bishop can dispense so that Viaticum may be deferred with a pileolus to Villis and Pagis. 242. — « 2. It is more fitting for a sick person who has not received communion to die than for a priest to be in vestments with the sacrament parading publicly » (although he should hasten greatly, as says s. 8.) 8 (Nevertheless, it is probable that one could run without irreverence in necessity, as Croix n. 614. with Gob. likewise against n. 25. with Bon.). It is otherwise in baptism and penance, if there were a reasonable fear that the sick person might die in mortal sin; then it would be necessary to run » (as Bon. l.c. from S. Th.)

I possess and others also. 243. — « 3. It is taught by s. 8 that it is permissible to allow the parish priest to carry the Eucharist to a distant sick person on a calm horse, so that there is no danger of a stumble. The same is held with Gob., if there be a cause of storm, or distance, or because there is danger in delay. That same thing was conceded by St. Charles in the Act. Mediolanensis pars prima, sub numero quinquagesimo primo: Sed negant Posseus et; adduntque non licere pyxidem dare portandam laico, quantumvis Pastor sit fatigatus, sed potius ex collo suspendendam bursam. «4. The Eucharist should not be brought to the sick merely for the sake of veneration, that he may adore or kiss it if he is unable to receive it. » That very thing was also prohibited by the Congregation of Cardinals: yet it does not seem to prohibit that it be brought for venerationary reasons to a layperson, if it is to be celebrated in his house. «

» (In hoc omnino attendendum est Decr. S. C. Concil. in secunda sessio. Can. 7. ap. Lugo Responds. Moral. I. where it was thus declared.

It is not permissible to bring the most holy Eucharist to those who are ill and prevented by the gravity of their illness from receiving it, but rather they customarily kiss it out of a spirit of veneration. And if perchance such a custom exists in some place. That must be entirely abolished, which Pius V prohibited. (dice) and he cannot offer by way of chirograph, as they teach Bon. » d. 5. q. 4. p. 2. et Possemus, contra Tolei. cujus sententia tuta videtur, si alias æger sine viatico esset moriturus: præ- certim si tunc detur duobus indicibus. Questio est: An qui laborat chiragra possit aliis digitis quam pollice et indice ministrare Eucharistiam? Mazz. affirms on f. 3, p. 133, n. 111, and Croix on f. 6, p. 1, n. 460, with Arriaga, Leand., and Gob., that although only the sole of the first digit of the Priest is anointed, nevertheless the whole hand is consecrated.

However, more probingly they deny it. Renzi c. 3. q. 16. et Bonac. d. 4. p. 2. n. 10. cum Posseo. Reason, because although the whole hand is consecrated, according to the rite of the Church the index and thumb are excluded from this ministry. And although commonly admitted with Bus. Diana, and Renzi l. c., item n. 15. n. 26. n. 26. et q. 3. R. 2. (contrary to Bon.) that it is possible to administer the Eucharist with later digits in cases of extreme necessity or gravest need: Nevertheless, commonly they say . 29. d. 6. p. 11. n. 3. and . tr. 5. c. 7. n. 6.

Bon. eod. tit. d. 7. q. 2. c. 2. n. 16. cum . Sayro, Aolia, Fill. et Réf., quod si quis haberet pollicem ita infirmum ut non posset cum eo hostiam frangere, non posset celebrare. This is inferred from the last chapter on the Rule; it is general, that which impedes the reception of the Order after its reception prevents the exercise of the Order; see 2. And the same is said by Bon. loc. cit., qu. 9, ar. 4, n. 15, and Mazz. idem tit., c. 5, n. 1, de Sacerdote qui haberet indicem ineptum ad usum. «6. It is not permissible to offer the Eucharist at a time of plague through some instrument (much less to deposit it in someone's dish, so that it may be taken by the sick person himself), but it should be given by hand, as Bonaventure teaches in his work, chapter 4, question 5, part 2. Although it is not improbably said that, upon removing the scandal and peril of a fall to the ground, an instrument properly prepared for this purpose may be given thereto.

(Putà in cochleari; id tamen negant tr. 3. R. 50. and Renzi c. 3. q. 16. cum . 10. item et n. 27. cum Gaonat. » Leand., etc., quia necessitas satis videtur excusare à solito ritu p. 9. 80. a. 5. d. 6. c. 5. t. 4. R. 104. 0 (See what is to be said. n. 288. v. They say.) 0 « 7.

A priest suffering from gout may be carried to the altar that he may there administer the Eucharist; yet other seclusion is nevertheless imposed upon him. Ita number fifty. Bon. l. c. 248. — "Resp. 2. It is also required that she

dispense it according to the customary rite of the Church; furthermore, that she refuse (per se speaking) it to those who are indisposed either in mind or body; finally, if she be a Pastor, that she minister it to the sheep whenever they reasonably request it. Bon. d. 4. 9. 5. p. 1. n. 15. "Dixi i." According to the rite of the Church; because a legitimate order of the Church is bound by sin. Hence the resolution: "Sin I. who gives the Eucharist under both species in places, or persons, from which permission has not been granted by the Pontiff."

Item si mornturu, qui ob linguæ ariditatem non potest hostiam tra- jicere, det species vini, licet talem à mortali excusare conetur, ut communissime dicunt n. 3 cum cum etc., quia praceptum Viatici non obligat, quando nequit sumi debito modo, et Ecclesiae ritu. R. 24. Bon. l. c. t. 9. et R. 64. Second. He who dispenses without sacred vestment, or without license, or without the formula of general confession beforehand. (See d. numer. 241.) III. Who gives a greater hostia to a layman; yet in necessity, or in the case of great devotion, it is permitted to give from a larger part that has been broken off 0 (If this is done without cause, it is not licit, but does not exceed venial sin, as correctly stated by c. and n. 12, n. 19, with n. 59, and S. also divides these into smaller parts 0 (not so small, however, that they cannot be given decently).

Such is the rule. I have spoken concerning the fourth decree, ninth chapter, fifth paragraph, first note, number fourteen: "Dixi." It is negated per se: because something else will cooperate in the sin. By accident, however, it often can give occasion, for example, if without scandal or with a minor injury to itself, or to the penitent, it cannot refuse. See Bon. l. c. n. 8.

Whereupon he resolves: 246. — “I.” Fault 1. He who gives to children before the age of discretion (unless in the article of death) who fortuitously happens around the age of ten. VI. TREATISE. III.

ON THE EUCHARIST. CHAP. II. footnote 6 (See below no. 301.) 2. He who gives to spendthiffs, when they have never used reason. If however they have used it, he can and ought to give it to them on their deathbed, if it can be done without danger of irreverence, and if it does not appear that they have fallen into madness in a state of mortal sin, Num. 4: 6 (See the notes n. 302). What.

II.) 6 » 3. He who gives to a public sinner, for example, an actor, obscene comedies » when represented by a mortal; » to a usurer, a harlot, a concubine; » concerning which see n. 166 and following (See also the said n. 46). 6 « I said, Public: because if you only know privately that one is

indisposed, it should be refused both privately and not publicly: » unless the indisposition is known from confession; for then even outside of it one may not advise, as teaches l. 5. t. 4. » c. 6. Card. de Lugo d. 8. de Sac. s. 11. n. 189. 6 (Vide n. 49 et 50.) 6 247. — « 2. Another sin is committed by one who refuses to punish the guilty with death (who indeed can be punished even a few moments or even an hour before death, as Sa[tursday] says that it should be given if possible, not in prison or some other dishonorable place); and yet, if they bring penance upon themselves for their crime, punishment is also to be inflicted on those captured for theft, provided they confess their guilt: even though they deny the crime, and a violent suspicion persists. Qu. 5, d. 4, 6 (Negat Contenson, d. 4, c. 1, spec. 3 posits that Communion cannot be given to those condemned to death unless they have previously expiated their crimes for an extended period of time with penance.) But correctly it is affirmed that a favorable disposition can more laudably be obtained through Confession P n. 5 and Juvenin 272.

Concl. 3. ut usus habet in Italia et Germania (secus in Gallia et Hispania); etiam una hora ante mortem, si necessitas urgeat, ut admittit Concinia; ex Concilio Nicæensi Can. 13 prescritur quod Eucharistia danda est omnibus qui ad vitæ exitum veniunt. It acts rightly 1. who rarely, for example in Paschaltide, gives communion to semifools, and to those who have a weak use of reason, provided they at least know how to distinguish this food from what is profane, as Henricus and Possevinus hold. It is likewise nearly to be said concerning the deaf and dumb from the time of their birth. See. Who gives to those possessed by a demon, provided that they can take it without irreverence. Thus it is said 6 (To be said according to no. 303.) 6 (V.

Not. II, page 345) I have said 3. If a shepherd be. Such a sin gravely against justice and charity, if he refuses to give aid to those subject to him in danger of death, although infected with pestilence. 6 (See d. n. 233.) Another priest, however, who in such a case, either absent or unwillingly present Parochial, would refuse to give, would sin only against charity, even according to Chapeau mortaliter. q. 37. n. 2. 248. — 2. Pastor est tenendum, ut Eucharistiam opportunè petentibus possit ministrare; unde tenetur eam cum lumine in ecclesia asservare nec licet alibi, ne in sacellis quidem nobilium, vel choro monialium, aut inter septa monasterii earum, ut habet 15 de reform. c. 10 (nisi cum facultate in solemni festo) in pyxide; quæ non necessariò est consecrata licet si consecrata non sit, debeat interius vestiri via linea ex tela consecrata, ut ex S. lib. 29 c. 9. If on account of the gravely culpable negligence of the Parochial Priest, or of him to whom this care has been entrusted, for an entire day, or several complete nights, the light does not burn before the venerable Sacrament, it

teaches that he sins mortally (otherwise if only for an hour), according to both S. 1 and 7. Likewise T. 6.

R. 34. licet marchand. in res. c. 5. q. 4. obligationem et consuetudinem tam universalem neget: uti et de lumine praeferendo, quando defertur sacramentum foras, atque ex causa id posse omitti, ut cum defertur ad aegrum longè distantem, nec commodè fieri potest cum lumine. (Vide dicta hic n. 241 v.) To minister.) 249. — Plura quaesita diversa et utilia ad praxis hic sunt resolvenda. Question NoneI. In the Mass for the Dead can Communion be given? These three things present difficulties.

Doubt. 1. May Communion be ministered within the Mass? Gaonatus denies it, part 2. Title 10, number 6, letter n., and Croix, book 6, page 1, number 492, ex decree. The Sacred Congregation of Rites on the day edited 22. January 1701.

But they affirm justly, Cons. 90, n. 38. Fourth p. 2. tit. 10. n. 6. and Merati l. c. in conjunction with Gastaldus, and many others as well. Prob. ex 22. c. 6. ubi dicitur: « Optaret sacrosancta Synodus ut in singulis Missis fideles adstantes Eucharistiae perceptione communicarent. » Note in all Masses: Therefore also in Masses for the Dead. Moreover, because in the Canon itself of the Mass for the Dead it is said: "That whosoever shall have partaken of this most holy Body and Blood of Thy most sacred Son." » Moreover, below and after the Communion of the celebrant, it stands thus: "If there are any to be communing, let him communicate them before he purifies himself."

Meredi autem dicebatur haec verba inscripta fuisse in Missale Defunctorum tempore Urbani VIII, qui haec praescripti inter caetera: Communicando fra la Messa de Requiem si facialo stesso, nec benedictionem quacunque dabit. Neither does it hinder the Decree opposed to it from the year 1701. Nam asserit idem Merati invenisse adnotatum in Directorio Ecclesiae Genuensis an. 1715, quod licet anno 1701 a Sancta Sedis vetita fuisset Communio fieri in Missis Defunctorum, tamen ab eadem Sancta Sedis ex novis motivis prohibitum fuit extra dari copiam praedicti Decreti. Then the same Author states that on the day of March 22, 1711, having re-proposed this doubt, the same Sacred Congregation judged it fitting to suspend the aforementioned Decree of the year 1701. Hence this custom universally prevails of dispensing with Communion within the Mass for Requiem; but today it is certain that permission is granted according to the Decree to be referred to shortly. It doubts. 2.

Is it permissible to give Communion from precursors prepared beforehand

for the dead in another Mass? They affirm, P. Merati no. 30, and Bened. XIV, de Sacrif. l. 3. c. 18. dicentes opinionem oppositam aliorum nullo modo esse admittendam prout noviter adinventam, cum omnes auctoritates et Rubricæ numquam de hac limitatione verbum faciant. Neither does it matter that 44 LIB. VI. TRACT.

III. ON THE EUCHARIST. CHAP. II. Preconsecrated particles should not be directed towards the same Sacrifice; for to receive the whole fruit of the Sacrament is sufficient, so that faithful persons may participate in the same Victim. The Supposititium, however, is considered by Merati as something certain in a certain Decree contrary to it, which is referred to in a certain Calendar of the year 1736. ipse om-nem diligentiam adhibuisse in evolvendis Regestis S. C. R. in quibus nunquam potuit tale Decretum invenire.

But notwithstanding this, on September 2nd, 1741 a new decree was issued. S. C. R. in Aquenisi, quo dictum fuit: "In Missis Defunctorum, quae in pa- ramentis negris celebrantur, non ministretur Eucharistia per modum Sacramenti, scilicet cum Particulis praeconsecratis, extrahendo Pyxidem à Custodia." Nevertheless, it can be ministered per modum Sacrificii, as when Communion is given to the faithful with Particles consecrated during the same Mass. Here it is to be noted that on the previous day, June 21, 1670, another Decree was issued in Pritana, namely: "Funeral Masses cannot be celebrated unless with black color, or at least violet." Upon these premises, namely that the Eucharist is permitted to be given only in black vestments, and other Requiem Masses are allowed to be celebrated in violet, it is inserted that it can lawfully be administered with consecrated particles during Requiem Masses celebrated in violet vestments both before and after the Mass. Not.

III, page 345.) Doubt. 3. Can Communion be administered by the celebrant before or after the Mass for the Dead? Merati denied this rightly, because Communion is never to be distributed in black vestments outside of Mass, since according to the Roman Rite it prescribes that for the administration of the Eucharist one should use a stole of a color suitable for that day's Office, or at least of white color, as Merati himself contends with many Doctors. Which the same Saint Charles also approved in the Synod. Proof. First page.

Moreover, it is certain from the Rite. According to Roman usage, within the Masses for the living, the people's Communion should immediately follow the Priest's reception of the offering, unless a just reason suggests that it be performed before or after the Mass, as is taught by N. P. Bened. XIV. on Sacrifice, lib. 3, cap. 18, 280. — Question NoneII. What is to be

done in a case where the host may decay? First, it must be covered with a linen cloth that is clean and then white, as Rubrice prescribes; yet these do not obligate under grave penalty, as Pasq. notes in Croix l. 6, p. 1, n. 404, who adds with Gob.

Pellix. It is sometimes omitted the washing of clothing or of the beard, in order to avoid disturbing the people. Verum locus, ubi incidunt species vini, semper debet ablui, cum ipsæ imbibantur, etsi non sit opus eas comburere. If the host falls upon the breasts of a woman, the priest himself should not remove it, but the woman herself should take it away with her hand and place it in [the ciborium]—Question NoneIII. What is to be done with the fragments of the Hostia? In the Rubrica Missalis (Title 7, n. 2), it is thus stated: "If" the Priest should discover after receiving the Body and Blood, or even after washing, some consecrated remnants left behind, whether they be small or large, he shall take them, because they pertain to the same Sacrifice.

And this is not only immediately after Mass, as is common according to Croix l. 6 p. 1 n. 466., but even if the Priest is in the sacristy, still nevertheless vested with sacred vestments, as they say ibid. Gobat. XIV, concerning the Sacrament. Masses l. 3. c. 17. n. 5 and 6. against Lugo d. 15 n. 82. They say that this is possible. ibid., even if those fragments are remnants of another Sacrifice, because (as they claim) all Masses are considered one kind of Sacrifice, and he considers this probable ». This opinion; but Cajus commonly denies it. Sylo. l. c. n. 81. ac Croix n. 497. cum alias non licet, tum quia ex rubrica ut supra sacerdos non potest sumere reliquias post ablutionem nisi eas tantùm quæ ad idem sacrificium spectant; tum quia sump- tio reliquiarum alterius sacrificii non pertinet ad illius perfectionem, congruent sumptio reliquiarum ejusdem sacrificii.

It has been said: still vested; for if the priest has already put off his sacred vestments, then the aforementioned Benedicite considers it thus. XIV. l. c. cum Clero Pa- tavino reliquias vel reponendas in tabernaculo si adsit, vel reservandas alteri Sacerdoti celebraturo eodem mane, alioquin ab eodem qui celebravit esse sumendas. But it should be noted that if a priest brings Holy Communion to an infirm person in his sickroom, and there remain residues in the paten or chalice, the priest may take these up, provided he is still clothed in sacred vestments, as they say. And indeed, he can also give them immediately to the same infirm person after receiving Holy Communion himself, because then it is considered a moral unity of Communion, as those very same authorities (15 n. 80) testify, who allow this practice, namely that after Communion the pyx be washed and the washing itself be given to the sick person. Moreover, it is to be noted what is added in the aforementioned Rubric n. 3: "But if the Host has been left

intact after consecration, let it be placed in the tabernacle; but if this cannot be done, let it remain for the next Priest to consume; but if neither of these can be accomplished, let it be decently preserved in the same chalice; and if there is no way to honestly preserve it, he himself may consume it." However, as regards particles found outside the corporale, in doubt whether they are consecrated or not, they should also be taken after the ablution, as Bonaventure says. Henry and 252. — Question None.

IV. At what hour can the communication be dispensed? Response is given: In itself speaking, any hour of the day can be dispensed with, because there is no prohibition regarding this; thus commonly do numbers 3, q. 6, n. 38. cum ac p. 1, n. 14. cum Sylo teach. Yes, Table. Az. I possess.

Henry and his doctor in the eighth section, fourth part, at the end, where St. Ambrose is quoted as saying, it was a custom to celebrate and give Communion towards the end of the day in its own time. We have spoken per se; for, as all the aforementioned authorities say, it is not permissible to administer the Eucharist at night or during evening hours (that is, in the last part of the day), both on account of scandal and because of the current custom of the modern Church; against 6 p. I. n. 493 which says that although it is indeed fitting for Communion to be given in the morning, it is also permitted during evening hours; but this they allow only in Pall. c. cum Coninc. §. 1. n. 5 and in Sa., and similarly if there should be some special cause: and this seems probable if it is given during evening hours; for I think that in an untimely night with (V. Not. Thus likewise it is not permitted to give Communion in the Mass of the Nativity. Lord, which is called midnight, from the Decree. S. C. R. approv.

Bened. XIV. t. q. l. 3. c. 18. neither on the day of Preparation according to his decree. S. C. on the 19th §. 4. n. 25. And although this Decree is not found in the Registers as attested by Merati, nevertheless the Sacred Roman Congregation on the 12th of April [anno XIV], loc. cit., mandates Ordinaries: "concerning Communion on Wednesday in the Parascove, according to the Missal rubrics and the usage of the Roman Church." » From which our Pontiff rightly prohibits communion on that day; first because in the Missal Rubric for Feria V it is said that certain particles should be reserved for the sick, and thus the healthy are excluded; secondly because according to Roman custom, on Wednesday no Eucharist is distributed. In the day however of the holy Sabbath there is no Decree prohibiting Communion; but in the Vocabulary Ecclesiastical Marcus says: "In the Mass of the holy Sabbath that antiphon which is called Communio is not said, because the people's Communion was not being made then, which indeed should now be made."

This reason, however, does not persuade; for it is sufficiently proven by P. Merati p. 4, tit. 10, n. 56, together with Grancolas, Moretto, and others, that formerly at Mass on the holy Sabbath all communicated, not only the infants, but also the other faithful, as is attested by a certain ancient Roman Order, where it reads among other things: All communicated. He adds with Cao. Grancolas, et Durando, non ob aliud hodie omitti Communio, et Postcom., nisi quia loco earum sufficiunt Vespere, quæ Gratiarum actio potius dicendae sunt, quàm Officium Vesperarum. We therefore do not have a place where the Communion is forbidden on such a day; hence Vioa says in qu. 4. art. 9. n. 1. that the reception of the Eucharist is permitted on any day except Wednesday of Holy Week: moreover, it is known that in many churches of the Kingdom and of the City of Naples, and especially in its Cathedral, Communion is ministered to the people after a solemn Mass. 253. — Question NoneV. How often is the parish priest bound to minister the Eucharist to his flock?

Some have said that the parish priest is bound only by the time of the precept, and at the point of death. Thus Sylve. and with Sueto, c. 9. n. 29. Reason, because it is incumbent upon the Pastor to provide not only that the sheep fulfill the precepts, but also that they have those things which are very beneficial to their profit. 234. — Question NoneVI. What is to be understood about the use of daily Communion? Indeed wrongly spoken have some been, who said that daily Communion should be recommended, nay, commanded to all those who are in grace.

For St. Augustine said lawfully: Receive daily, that it may profit thee daily; yet he adds: so live, that thou mayest deserve to receive daily; hence says St. Thomas in q. 80 a. 10: "It is required that with great devotion and reverence... one approach... but" because many impediments to this devotion occur frequently in the majority of men... it is not profitable for all men daily to approach this Sacrament." Wherefore, having merited it, she was condemned by Innocent. XI proposition 56 which said: "Frequent Confession, and Communion is also noted among those who live Gentilically as a sign of predestination." » They should have said better, it is a sign of reprobation. Others have excessively rigorously understood the daily or frequent Communion, considering that it restrains souls from it, if they do not possess very extraordinary purity and fervor. Prop. 23 was condemned: "Similarly are to be avoided" from holy Communion, to which as yet there is not infused the purest love of God and entirely free from any mixture.

» Nec mirum, si aliquis Magister antiquus cum rigore de hoc sit locutus, tunc enim temporis usu vi- gebat talis rigor, qui hodie non viget. Therefore, with regard to this point, one must diligently attend to the

Decretum issued by the Sacred Congregation in the year 1079, and approved by the Pontifical Fathers; but, on account of the diversity of consciences, nothing can be determined concerning it. Then it is pronounced thus: "The frequent access to the confessional by judgment should be left behind, which proceeds from the purity of conscience and the fruit of frequency, and to piety, intending their salvation, they ought to prescribe this to lay negotiators and to married persons." » Afterwards it is added: « In this therefore the diligence of pastors must chiefly watch, not that they deter from frequent or daily reception by means of the unique formula of a precept, or that days for general receiving be constituted. » But rather let each one think that it is proper for himself to permit what seems fitting individually (this speaks of the Bishop): and above all take care that no one who has approached the sacred Banquet either frequently or daily be repelled. » « Finally, it is concluded that Bishops, where such devotion (that is, frequent use of Communion) prevails, should render thanks to God for it, and themselves, with the exercise of prudence and discretion, foster it. »

As regards this Pontifical Decree, it is noteworthy that it is prescribed therein that bishops, and still more parochial priests, although they may individually impose Communions upon some of their flock in private, nevertheless should by no means generally prescribe a Communion for all days. IV. TRACT. III. ON THE EUCHARIST. CHAP. II. can.

On the contrary, they ought altogether to provide, so that no one be repelled from frequenting or receiving daily Communion, whose use themselves according to the rules of prudence rather encourage. Note: 2. There it is prescribed that such frequent or daily use of Communion (even for merchants and spouses) be left to the discretion of the confessors, who according to the purity of consciences and the progress of Communion shall prescribe. Hence it must be said that the Confessor, especially deriving from the fruit of frequentation and from the desire of the penitent, should take as a rule either to increase or to diminish the use of Communion. See what we shall more fully say on this point in the eighth volume of Praxis Confessorii, section finalis. Et si quis dispensans Eucharistiam ex mortali peccato, peccet mortaliter? See no. 35, where we have embraced the affirmative judgment. SECOND DOUBT. ON THE SUBJECT, OR RECEIVER OF THE EUCHARIST. FIRST ARTICLE. What is required in that disposition of the soul. 285.

On the precept of making a confession before receiving Communion.— 286. Qu. I. Is this precept divine or ecclesiastical? — 287. Whence? II.

Whether he who after Confession remembers a mortal sin is bound to

confess that before Communion? Qu. III. Is it held to be prostrated? — 288. What if the Priest doubts concerning the committed sin? Released according to no. 474. of the Sacraments: Penitence — 289.

Celebrity, devotion, or poverty do not excuse from confession. — 290. Excusat verò 1. Periculum mortis, et necessitas ministrandi Viaticum. Scandalum, or note of infamy. What if the Viaticum were withheld from the infirm person who cannot so quickly make Confession? — 291. What if the people, or even the Priest himself, should be deprived of Mass, or of the Easter Communion? — 292.

What if the Priest should gravely sin while celebrating, or should remember a past sin, would he be bound to confess if he can? See ibid., doubt 1. And whether he is bound to desert the Mass if he cannot confess? V. dub. 2. — 293. What if a layperson remembers a mortal sin while seated among the communicants? — 294. When it is deemed that there is a lack of the Confessor?

And what distance excuses the Confessor? What if there is neither a simple priest nor a Confessor excommunicated, etc.? — 295. What. I. What if the Priest has a reserved sin, and there is no Confessor possessing the faculty? Whence?

II. Then is it held to be confessed as reserved both what is reserved and what is not reserved? Yes. III. What if it has a reserved excommunication? — 296. What.

IV. How is the precept of making as soon as possible to be understood? What. How is the precept of making it as soon as possible to be understood? Is it held to the priest celebrating sacrilegiously for that? — 297. What.

VI. He who celebrates confessionally and forgetful of sin? Qu. VII. A priest who has not confessed, who remembers a sin after consecration? — 298. Qu.

VIII. When does the precept of confessing bind even laypeople first? — 299. Effect of the Eucharist. — 270. Question. I. Is it to approach the Eucharist with a venial habitual sin a new venial sin?

Whence? II. He who communicates with a venial actual sin commits a venially, and loses the fruit? DOUBT. II. ON THE SUBJECT OF THE EUCHARIST.

ARTICLE I. 49 288. — "RESP." He who is in a state of mortal sin is bound to confess mortally before receiving the Eucharist, unless there be necessity for celebrating or communicating, and the confessor is absent. (For both are necessary for an excuse and confession, according to 7 and canon.) II. where those teaching otherwise are factually excommunicated. It is grounded in that I. Filliuc. et alii commun. "Dixi I." In peccato mortali; tum quia Eucharistia delet venialia ex opere operato: tum quia venialia (si comitentur, imo reddant venialiter malam ipsam sumptionem) non ponunt obicem gratiae sanctificanti.

If nevertheless there are many, and grave ones within their kind, of which no penitence is conceived, they impede both actual devotion and a greater fruit. . and others. 288. — Question NoneI. Whether this precept should precede the confession for communion be it divine or ecclesiastical? In the 13th chapter, verse 7, thus it is found: "Especially when those full of forminis we read in the Apostle's words: 'He who eats and drinks unworthily judges himself he eats and drinks, not discerning the Body of the Lord:' Wherefore the willing communicant is to be recalled from this; let each man prove himself." Ecclesiastical custom, however, declares that it is necessary for no one who is conscious of a mortal sin, even though he may appear contrite, should approach the sacred Eucharist without the previous sacramental confession.

» Super autem his verbis alii ut Nao p. 12 n. 2 dicunt præceptum Confessionis esse tantùm ecclesiasticum, idque inferunt ex verbis illis: « Communicare volenti revocandum est in memoriam ejus (nempe Apostoli) præceptum. » Therefore, the Council did not recognize that precept to be of Christ, but of the Apostle. Nevertheless, a common and true opinion is held by them, section 66, chapter 3, note 3. Lyon. d. 14. ex n. 69. n. 2. n. 25. cum aliis docet huius præcepti esse divinum. Reason, because on one side it is constituted that from the precept of Christ the proof must be preceded, since the Apostle testifies to having received this from the Lord; on another side, clearly evident from the same Council, this required proof is a profession; for although the reference to his precept may be made to the Apostle so as to understand it more probingly, yet the Council did not say that this precept of profession had been introduced into ecclesiastical custom by the Church, but rather declared such a precept through the Church; hence from the divine precept is commanded the profession. Neither does this hinder the fact that it is said to be an apostolic precept, because it is truly a precept of Christ promulgated through the apostle. 287. — Question None

II. And if anyone after Confession remembers a mortal sin that he had

inculpably forgotten, let him be held back before Communion. VI. TRACT. III. ON THE EUCHARIST.

CHAP. II. to confess that communion? And the case is when through universal sorrow the sin has already been indirectly remitted. The first sentiment among the common doctors affirms this, and the Lucca doctors hold thus on day 14, number 126. 66, section 3, notes 17 and 6. Nat. 2. §. 1. §. 8. num. 62. Diana p. 9. tract. 3. Reply 4.

Cross number 539 and : 7 number 30 with Session 13, chapter 7, according to the aforementioned words: "That no one who is conscious of a mortal sin, even though it may appear contrary to him, should approach the sacred Eucharist without previous sacramental Confession." Therefore, he who is conscious before communion of a forgotten sin ought to confess that same before communion according to the aforementioned precept. All the more so, because such a precept is thus explained by the universal practice of the Church. They nevertheless commonly accept it, as they say in no. 18. Bon. l.c. n. 18. cum etc., ac cum Hic tamen sedulò advertendum, cum Bon. d. 4. q. 6. p. 1. n. 19. quod scandalum tunc dicitur, quando datur occasio detrahendi vel temerè judicandi, non vero quando datur solùm occasio admirationis. The second opinion, however, denies this, and this is held by Garcia in Distinction 5.

Dub. 5 part. 5 n. 50 a. 5 dub. 3 n. 14 (qui saltem speculativè loquendo eam enixè tuetur) Hieronymus Ferrantinus de item Honorius et Fabri apud Croix n. 539 ac probabilem putant Cornelian, et t. 5 p. 504 qu. 2 cum Arriaga, Gibert et Pontas; dicens primam sententiam nulla niti ratione probabili. I know that Diana, although she inclines most in the beginning part of her judgments to the blessed sentences and does not rarely deviate more than is fitting, yet forgetting the benignity of her own disposition in this present question, calls this second judgment altogether improbable, and refers to the decree of the Spanish Inquisition that it was expunged from the works of Father Ratio because he who precedes his Confession with a Communion has already fulfilled the precept of Confession; by which means sin being forgotten is indirectly remitted, and the penitent having been approved now exists. Licet igitur ipse peccatum illud clavibus subjiciatur antequam moriatur, vel cum urgerit praeceptum Confessionis, tamen minimè constat ex Tridentino concilio praesentiam habuisse praeceptum ut de illo statim ante Communione confiteretur. You will say: In the Council it is commanded that a conscience-stricken sinner not communicate unless preceded by Confession; even though he be contrite; therefore whoever remembers his sin before Communion, having forgotten it, ought necessarily to confess that. But it should be replied that in the Tridentine Council there is merely prescribed that the penitent should

approach Communion justified not solely through contrition, but also through Confession; whereas he is already justified even now through Confession, therefore he is not bound to confess again immediately before Communion. The practice of the faithful, which is opposed to this, is not to be held as a certain rule of obligation, but rather as a pious and commendable usage, which I myself, even with all due circumspection, would advise; nevertheless, my most illustrious and learned Master F.

Julius Tornus, et alius Theologus Examinator Synodalis in Urbe Neapoli in re morali valde versatus, cum aliis doctis Recentioribus a me consultis, mihi affirmarunt hanc secundam sententiam esse valde probabilem. Question. III. Whether such a penitent, who in Confession remembers a mortal sin carelessly forgotten and is unable either to confess it or according to our recently received judgment as stated in the preceding question, should be held before Communion to elicit an act of contrition? Medina affirms in Lugo d. 14., n. 121., et à Diana p. 2., tr. 14. R. 48. are cited for this opinion also Reg. . But they say l. 20. de Euch.

Prob. 56. nequaquam inventum habuisse loca ubi AA. praefati hanc sententiam docuerint. Others, however, as Lugo n. 122., 1. p. 350. n. 69., with Præpositus et g. 3. with Sylius and Quarti, commonly reject the first opinion; this they do on the ground that justification suffices for a man who is fully justified (as it is supposed); nor does any apparent foundation appear why such contrition should be required: neither from a precept, because nothing of this kind is found prescribed anywhere; nor to remove sin, since this has already been removed by the previous confession. 258. — « 1. He who doubts whether he has committed a mortal sin, or whether he has confessed it rightly, is bound to confess before receiving communion. Thus Bonaventure, in his Decretum, book 6, part 1, page 1, section 8, says: "2." I said unless there is necessity (not any kind whatsoever, for instance festal celebration or great devotion, as some wish) (And thus Armilla understands it; but the opposite must be held with Buscema and n. 42.) Congruent neque excusat paupertas Sacerdotis celebraturi, nisi esset valde gravis, ut ait Croix n. 535.) sed gravis, sive urgens, qualis esse censetur in sequentibus casibus, praemissa tamen semper contritione; ad quam tunc teneris, nisi de peccato quod occurrit, fueris ante contritus.

Preparation. Card. de Lugo d. 14. sect. 6. n. 122. 260. — « 1. Periculum mortis, ut consecretur hostia pro «morituro». de Lugo d. 4. sect. 5. n. 107. 8 (Cum «n. 18 et »). 8 2. If the Sacrifice, or Communion cannot be omitted without grave infamy, or scandal. Likewise if the Confessor is absent; or if Confession cannot be completed on account of temporal straitness, then according to c. 36 cum Granad. in that case rightly says v.

Question 1. Quod, si infirmus sit in imminentí periculo mortis, tunc Confessarius audiat peccata graviora et illum absolvat, imposita illi obligatione perficiendi confessionem, si convaluerit; si vero absit tale periculum, tunc censet Tourn. quod Sacerdos conetur ut infirmus eliciat contritionem et det Communiónem, si sine infamia non possit Communiónem omitti. But they say more appropriately, q. 1. R. 2 et Sporer eod. tit. n. 446. (et probabile putat) posse tunc dimidiari Confessionem, sub eadem obligatione illam postea perficiendi.) 281. — « 3. If the parish priest is to celebrate ex officio, in order that the sacred may be heard by the people, ibid. (Nor should another be present who celebrates, as Palaus notes correctly n. 7.) Antoine loc. cit. et [et] non posset Parochus omittere celebrationem sine infamia. Ob quam causam etiam alteri, qui non est Parochus, id licere putat t. 3. R. 9. contra Palam, Aversam, etc. (Qui verius contradicunt cum Lugo d. 14. n. 11. et . 3., quia populus Sacrum non audiviendo, tunc minimè peccaret.) « 4.

If the precept of annual Communion should be urged, as Henriques teaches and the procurator thinks probable, or if a priest cannot hear Mass unless he celebrates it, as Probabilius seems to teach, then it appears to be thought so. Sa, Suarez et alii, cessante scandalum et infamiam, tunc præstare Sacramentum et Communio etiam paschalem inermittere, eo quod haec praecepta non obligent, quando non possunt impleri convenienter iure divino. Regarding the hearing of Mass, they hold that a priest can lawfully celebrate, Sylo. and Palud. and Probabile putant . apud nu. 54. But » they rather contradict Lugo d. 14. n. 115. n. 26. when . 7. with Sot. with » Con. Henry and the common opinion assert that it is possible to have communion without confession; but they deny this with Tournai and with Suarez and Reginald, because the precept of annual communion does not obligate when it cannot be fulfilled in due manner. Both are [probabilis].) 262. — « 5.

If after consecration a priest commits mortal sin, or if before the commission it is recorded, he is bound to proceed with elicited contrition to offer the Sacrifice; but if this occurs before consecration, and especially before the Canon, he should confess, if without note of infamy it can be done, or else withdraw, unless perhaps in a solemn Mass, under chant or sermon: in which case he will be bound to confess, as Sylo notes. That is to say, if contrition cannot be elicited, according to the consensus of opinion it would be necessary either to confess or to desist: although this is stated in part III, question 17, decree 3, and in Huguccio on the Eucharist, decree 8. They consider it at least probable that one would not commit a mortal sin when he cannot withdraw without note; understand, if he has made an effort to withdraw, or did what he could. 1. 4. R. q8. Cardinal. from Lugo,

dissertation question section two, number eight, where he teaches the same.

He notes, however, that it is sufficient if one in good faith believes himself to be contrite, even though he may have doubts. Here the doubt exists. Whether a priest who, while celebrating, remembers a mortal sin committed, is bound to interrupt the Mass before consecration, and especially before the Canon, by summoning the confessional, so that he may confess if possible without scandal? They deny it in treatise 4. R. 77. And they learn to suffice so that reparation may be made, because the intention to confess beforehand seems to initiate itself before the beginning of Communion; for it is unfitting for a Sacrifice begun to be interrupted. But they distinguish better according to Bus. 67, sect. 4.

Lugo d. 14. n. 113. n. 7. cum c. 7. n. 50. cum Coninck et aliis multis, et dicunt quod si Sacerdos recordetur peccati post consecrationem, tunc Missa non est interrumpenda, ut docet etiam p. qu. 83. art. 6. ad 2. et expressum habetur in n. 4. Si vero recordetur ante consecrationem, et praesertim ante Canonem, tunc debet confiteri, si possit; quia, cum talis pars sit extrinseca Sacrificio, bene potest missa interrumpi ob hanc rationabilem causam, uti fieri solet etiam ob concionem, vel oblationes populi. Doubt is cast. Whether a Priest in such a case before consecration, if he cannot confess, is also bound to desert the Mass? They deny. c. sectio 4. cum sanctus doctor 25. n. 76. ubi ait, quod sacerdos peccatum « advertens post inchoatam » missam, non debet desistere, etiamsi absque scandalum posset. Reason, because although that prior part is not of the substance of the Sacrifice, it is nevertheless connected to the Sacrifice by institution through the mode of one sacred action; and therefore, after it has been begun, it ought to be completed.

But more probably Lugo affirms on the 14th day, note 113, and following. Albizzi, when in Th. 3. p. q. 83. art. 6. ad 2. he says that this opinion is more secure. This is confirmed by Ru- brica (3. p. tit. 8. n. 4 et 5.) where it is thus stated: "If before the conse- creation of the Sacrament the Priest remembers himself to have been in mortal sin, or to have been excommunicated, or suspended, or for his place to be interdicted, if no scandal is feared, he should abandon the Mass begun." "I have spoken more probablistically than certainly, for it is not certain that the Rubrica imposes a grave precept under this heading." Catum, bene advertunt Tourn. et quod eo casu vix nota infamiae vitari poterit. 263. — « 6. If in the seat of communicants you remember a mortal sin which you have forgotten to confess, you cannot withdraw without note or grave scandal, as Naos states.

If in the seat of communicants you remember a mortal sin which you have forgotten to confess, you cannot withdraw without note or grave scandal, as Naos states. King. Card. de Lugo 1. c. n. 12. et alii. » (When you see what has been said » n. 258.) » To confess the Eucharist is neither expedient nor fitting in such a case, even if you cannot possibly elicit contrition, it excuses from sin. Hurt. 1. c. ˚ (Now consider what has been said » in this book, chapter 6, n. 33.) ˚ But some Doctors among Henry's followers excuse the laity when they do not recede even after a precise confession and scandal; on the ground that he is thereby justified and approved by confession. That judgment is approved §. 8 and can serve as a guide for those troubled by scruples. 29. n. 105. Good Day, Fourth Part, Tenth Chapter.

Escob. tom. 7. c. 6. § (Vide » dicta. num. 257.) § 264. — « Dixi 3. And there is lacking the Confessor; but it is considered as absent, not according to what some wish, if he who usually confesses and would desire to be confessed, or to whom confessions of devotion or utility are made, were absent: nor even though a Religious cannot confess grave sins to a secular person when there is some infamy of the Religion. Friend, t. 3. R. 13. sed in sequentibus casibus. I. If no one is present, you are unable to go to the absent person without much difficulty (considering both their weakness, age, and affairs of personal business, as well as other circumstances, such as the scarcity of money, brevity of time); according to c. 7, nu 32: "To excuse also the distance on account of the length of the journey of two hours is said by Gobat; a league, that is about three miles; but Canus says it suffices for a journey of five quadrants; so in Croix num. 354 who rightly says with Açersa and Dic., this must be judged according to circumstances; hence n. 6 says: 'Sometimes, considering the weakness of the priest and the brevity of the time in which he should celebrate, it can still excuse a distance of fifty paces.'" If he is not present, except for one who is ignorant of the idiom or lacks jurisdiction or is excommunicated or unapproved, or to whom you cannot confess without great damage to yourself or another, or if you have a reserved penance only and access to the superior is not open, or if the superior having once and again been petitioned by a pious procurator has denied the power of absolution; § 6. ex t. 3.

R. 15. si absque gravi nota praetermittere non possis. Thus Syl. and co. However, contrition and the resolve to confess are nevertheless required in these cases: nay, from the precept it does not seem that what is commanded should be extended to Laics or priests communicating only, contrary to Naum. et q. 6. p. 1. » 265. — Hic pluribus oportet quaestiones enucleare. Inquire. I.

He who has a reserved sin and does not have the abundance of one having

the faculty of confession is bound to confess before a subordinate, so that he may be able to communicate? If this person has no other mortal sin except the reserved one, the Doctors DD. are not bound to Confession, but sufficiency is provided by contrition; thus Lugo in his work on Eucharist, day 14, note 8q., in DUB. II. ON THE SUBJECT OF THE EUCHARISTIES. ARTICLE I. 55 FINIS. Bon. eod. tit. d. 6. p. 1. n. 31. n. 6. p. 94. n. 102. p. d. 63. sect. 4. q. 80. ar. 5. cum Palud.

Arm. et Adria. ac n. 37. cum Con. Reg. et cc. cum quod, si casu Sacerdos advertens se non habere contritionem sed solam attritionem, tunc tenetur confiteri venialia quae habet vel mortale alias confessum ut sic à reservato saltem indirecte absolvatur et in statu gratiae communicet; (et hoc probabilius est juxta sententiam mox dicendam.) Imò docet Lugo n. 103., quod hoc poterit semper facere, etiamsi habeat contritionem ut securius Eucharistiam recipiat. But what if he has at the same time reserved mortal sins and both reserved and unreserved? The first opinion denies that he is bound to go to Confession, and says that this one can be communicated on the basis of contrition alone; thus in question 91, article 3, paragraph two. question continuation. Tom. tour. 5. p. 499. vers. Herein also, secondly, Gerson, and in the fourth translation.

R. 194. item etc. ap. 7. n. 6. et meritò hanc probabilem vocat 66. s. 4. § Quar- tus. apud . Reason, because that Confession would be invalid among the inferiors when a judgment is made by one who is incompetent, who on account of reserved sins, in which the penitent is burdened, lacks all power over it; hence, it cannot be congruent to divide absolution for remitting one sin without another, just as neither can the Confession. The second opinion, however, is more probable and most common, which are held by . . . Councils, volume 8, page 348, note 32. Lugo n. 87. qui communem vocat, et n. 36. cum Conc. Reg. Ratio, quia cum urgeat præceptum divinum præmittendi Confessionem Communioni, debet fieri Confessio saltem formaliter integra, si non possit fieri integra materialiter. Question.

II. Whether by introducing this confession, one is bound to confess both reserved and non-reserved mortal sins? The first proposition affirms this, and the II. cc. hold to it; yet those same AA. do not provide a reason for this proposition; but it seems that this can be assigned, namely because the Confessor ought to recognize the entire conscience of the penitent, so as to form a proper judgment whether he is capable of absolution or not, perhaps because he is a recidivist in the reserved cases. The second opinion, however, no less probable, nay perhaps more so, denies this to be reserved per se for Confession; and this is held by n. 6. Eibel n. 102. item Gerson, 14. nu. 86. qui probabilem censet cum Major. Peter.

Soto, S. Ant. Ratio, primo quia aliam hic tenere deberet bis peccata illa reservata confiteri, deinceps superiori; tum quia, ut supra dictum est, nulla videtur esse obligatio confitendi peccata illa, super quibus Confessarius nequit esse judex, cum nullam super eis jurisdictioinem habeat. 56 LIB. VI. TREATISE. III. ON THE EUCHARIST. CHAP. II.

I have said per se; for it is not necessary that such a penitent, supposing (as we said) he is a recidivist in reserved matters or in an occasion of future recidivism, be bound to open even the lower reserves, so that the Confessor may rightly judge according to his disposition; but this would indeed happen by chance, not per se, nor from the obligation of the integrity of confession, since the formal integrity suffices for such a case. Question. III. What if the penitent has a reserved excommunication? Others, as Sot. Syllogism.

Cocar. et d. 14. n. 99. say that this cannot be communicated outside the article of death. But commonly they contradict 4:31, sect. 3, n. 6 and 8, n. 107, and rightly consent that he can well receive the Eucharist, urged by urgent scandal or noted infamy. Reason, because the Church's precept prohibiting excommunicated individuals from receiving the Sacraments does not oblige when there is a concurrent natural precept to avoid scandal, nor obliges when such an inconvenience in bearing infamy is so great as to be insupportable. But there remains a doubt, whether the excommunicated person can then confess, not having the faculty over the excommunication? The first opinion denies this, and this view is held by Vasquez, and also by Soto, Cano, and l. c. n. 1. as probable in n. 38. and in tr. 3. R. 104. with Paulus.

S. and Megala. They say that this one can indeed communicate, having preceded with contrition, although he may have other unreserved mortal sins; yet they cannot confess, since he has been newly excommunicated, which excludes him from the administration of the Sacrament of Penance. This is probable; but more probable is the second opinion affirming that, which Lugo holds in his d. n. 102, c. 8, n. 5. Also Angius in n. 38 and Conin hold it. Reason, because in that case excommunication does not congruously deprive from reception of the Eucharist, nor of Penance, which ought to be received when possible, so that the divine precept is observed by preceding Confession with Communion. Correctly therefore they approve. Lugo et alii cc. validiter posse aliquem a peccato absolvere, non praemissa absolutione a censura: Ratio, ut bene ait.

To such an extent indeed would an excommunicated person invalidly receive the Sacrament of Penance, insofar as, by reason of the prohibition

of the Church, he would approach in a state of indisposition; but when necessity demands, this very thing itself removes for him at that time the prohibition of the Church, whence then he receives Penance validly and licitly. 266. — Question NoneIV. How this precept from session 13, chapter 7 is to be understood: "No one conscious of a mortal sin, even though he may appear contrite, ought to approach the sacred Eucharist without 'preceding sacramental confession.'" Which the Holy Christian Assembly has decreed to be perpetually observed by all Christians, even by those Priests on whom it lies as part of their office to celebrate this, namely that they should not approach the sacred Eucharist without the previous Sacrament of Penance, provided only that they do not lack the supply of a Confessor. That is to say, si necessitate urgente, sacerdos absque praevia confessione celebraverit, quamprimum confiteatur. » It was condemned, however, by . 38 who said: "The mandate of Trent given to the priest celebrating out of necessity with the counsel of confessing a mortal sin as soon as possible is not a precept."

(V. Not. Therefore, given this precept of the Council, there is doubt as to how that should be first understood? Indeed it was condemned by the same; 39 where it is said: That particle which first is understood, the priest will at his own time confess it. Others however, as Molfes, etc., according to tr. 3. Res. 11. 24. they used to say should be understood when such a priest celebrates for the first time: But this opinion is entirely improbable, as Escob. de Euch. nu. 312, well says.

Croix l. 6. p. 1. n. 545 et Diana l. c., quia tunc ipse ratione ipsius celebrationis teneretur ad Confessionem; sed Tridentinum, praecisa celebratione, praeceptum confitendi quamprimum imponit. Others, on the contrary, hold that it should be understood immediately upon the cessation of necessity, and that the Priest can conveniently proceed to the Confessional still on the same day of the celebration; thus Wigandt translates, tract 11, note 39. Concilium pag. 348. n. 33 et Sancius apud . caput hocquam opinionem uti tutiorem amplectitur p. 508. q. 5. But rather better as P. Milante says with the common doctors, in his dictionary proposition 39. Lugo d. 14. n. 163. . c. cum Garcia, Coninch. et Candido, cum Zerola, Vioq in ead. prop. n. 5. cum qui affert de hoc S. C. Declarationem, dicunt sufficere ut Sacerdos intra triduum confiteatur: Pariter ac in c. Eos qui de Sentent. Excomm. in sexto praecipitur, ut ii qui in articulo mortis absolvuntur a excommunicatione reservata, tenentur cum convaluerint se presentare ad superiorem, quam cito commode poterunt; alias reincidunt in eamdem censuram; et hoc non obstante, (ut aiunt Lugo, Milante et Garcia), non judicantur reincidere, si intra tri- duum se praesentant.

Thus also 2. c. 10. n. 55. cum Ugolino et Sayro, dicit praeceptum deferendi libros Ha- reticorum ad Inquisitores non violare graviter eum, qui per biduum illos retinet. The intrinsic reason seems to me; because, since this precept is merely ecclesiastical (as well Saur. d. 66. s. 6. approves), it is not deemed that the Church intends to obligate anyone with such severity thereto; Hence that which must first be understood morally, as it is understood in other human laws, namely in the last law of Judicium and the last law. C. de Felin. Generally however they say Viota n. 6. Milante et Diana ll. cc. with Garcia and Candido, they commonly say that at some accidental occasion the priest would be bound to confess the same thing on the same day, and perhaps even at the same hour, for instance if then he had a confessor, from whom afterward he would lack one for many days, or if the necessity of celebrating again tomorrow would compel him not to confess ## 58 LIB. VI.

TREATISE. III. ON THE EUCHARIST. CHAP. II. Question NoneV.

Is it obligatory for a priest celebrating the mass who does not have necessity, or who, standing in necessity, nevertheless has abundance, to confess immediately? Sylliust affirmant, et alii apud Croix n. 546. But they commonly and more truly deny it. 66. sect. 7. Lugo d. 14. num. 150. Diana page 9. line 2. Res. 26. with Granada c. and almost the common opinion, as Moya attests in q. 6. §. 4.

Reason, because the Tridentine precept is ordered to instill fear in those who, under pretense of necessity, defer Confession, but do not sacrilegiously celebrate; for this precept would be very rarely profitable for such: for those who, despite the divine precept, dare to knowingly celebrate in sin will more easily despise the ecclesiastical precept. Well indeed does Lugo teach in Responsum moralium libri quarti dubia quarta decimae quintam numeri, that in positive precepts the argument from lesser to greater is invalid, when the lesser is not contained in the greater, as is the case in our instance, where the precepts are disparate. However rightly Lugo D. 14. n. 150. observes that if such a Priest, having omitted contrition out of necessity, should celebrate, he would nevertheless be bound to confess as soon as possible, because the Tridentine precept does not distinguish between a Priest possessing or lacking contrition, but speaks of any Priest celebrating out of necessity; I think this is meant only of him who did not have the opportunity to confess before the celebration (whatever Croix says on the same page); for if he had such an opportunity, the first case would arise in which that very person would sacrilegiously and without necessity celebrate. 267. — Question NoneVI. Whether he is bound to confess immediately, celebrating afterwards, in which confession he has innocently forgotten some mortal sin? Resp. If he remembers after

the celebration, certainly he is not bound to confess that, as correctly taught by sect. 7. v.

Secondo et Marc. But they probably admit this, Bonaventura. Aversius and Leander, ibid., even if a mortal sin is remembered after communion in the Mass; for truly he would not have celebrated with consciousness of sin, as the Council of Trent says. If however he should sin before the celebration but after confession, they and others hold him to be then bound by the precept of confessing as soon as possible. c. plurimini cum etc. apud. Croix l.c. Sed Croix merito putat probabilem sententiam oppositam, quia hic vere non potest dici celebrasset conscius peccati sine praevia confessione. See altogether regarding this what is said in no. 257. - Question None

VII. Whether a priest, after the consecration, remembering a sin forgotten, is bound to confess as soon as possible without any preliminary? They affirm and Megenhal, etc., according to 14. n. 140. Reason, because then truly occurred a case in which there is urgency for the Tridentine precept; for then the Priest already celebrates with consciousness of sin in necessity, and without confession. But Vasq. denies. Diana and Præposit apud ac et merito holds probable Lugo, n. 144 et 126.

Because in n. 3 it is said that concerning the subject of the Eucharist. DOB. II. ARTICLE I. 59. The priest, who before Mass remembers a sin and celebrates out of necessity not having the opportunity for Confession, is bound afterward to confess as soon as he can; but concerning him who remembers a sin after Consecration, speaking about it, he says: It is suppressed with the intention of confessing it, without what is added when one can do so first. 268. — Question VIII. Whether the aforesaid precept of Trent concerning confession obliges also the laity in any way? The first opinion affirms this, and Naocar holds thus according to Lugo, on the 14th day, number 138.

Concilium, pagina 341, numero 13 et quarto 5, cum Asor. Henry and Sabas. Because, as they say, the same reasoning applies to laics as it does to priests; for where the same reasoning prevails, there also proceeds the disposition of the law. The second opinion, however, which is common and sufficiently probable, denies this, and holds it. Section 66, chapter 7. Those who assert the opposite are commonly rejected, Wigandt, translated page 12, note 32. R. 5. Milante in prop. 13. n. 9. 95. n. 105. qui asserit communem, q. 5.

R. 2. with Candido, Aversa, and Diana, Escob. l. 20. num 92. with Bon. c. Ratio, because the aforementioned rule proceeds from a parity of reason in correlatives, equi-partites, or connected things, not however in this case,

all the more so since we are in odium, according to what is said in de Legib. l. 2. n. 200. v. It is asked. Then because the reason of the Priests differs; and from this same thing Wigandus and others rightly infer that if a Priest in necessity without Confession should communicate more like a layman, he would not be bound immediately to confess; but rather (they add) if he were obliged to complete a sacrifice begun by another: or if he performed the office on Good Friday, because although then he would not properly say Mass, it would nevertheless simply be said that he celebrated, as it is expressed in the Rubrics. Mass of that day. 269. — Here finally it is to be noted what effects the Eucharist will produce. The principal effect is to confer an increase in grace, as is evident from the Council of Florence and the session 13 of Trent, chapter 2. And sometimes by accident it is also conferred the first grace, namely if anyone, ignorant of his being in a mortal sin, or believing himself to have contrition, communicates with mere attrition; then from attrition there becomes contrition.

Thus S. Q. 72, A. 7, ad 2; S. Q. 79, A. 3, 1. Salamanca, number 12, with Scotus, Suarez 6, note 6. The effect of the second Eucharist is to forgive venial sins, as it is taught in 5. The p. 3. g. 796. art. 4. with common from c. 2., where it is said, this Sacrament to be « antidote, by which we are freed from » daily sins, and by which we are preserved from mortal sins. And they say n. 23, when St. Thomas treats in article 4. For this opinion.

Th. 3. p. q. 79. art. 4. but not well, for there the Holy Doctor thus says: "Now the thing (written effect) of the Sacrament is charity, not only as regards the habit, but also as regards the act, which is excited in this Sacrament by means of which venial sins are remitted." Wherefore better is it said that this Sacrament does not immediately, but only mediately through the act of charity remit venials. The effect of the third is to preserve from mortals through the assistance of sacramental grace, which is excited by devotion; temptation is resisted more strongly, demons are driven away, etc., as St. Cyril teaches. However, they assented to article number 30 with Montesin. To confer the divine Eucharist also entails an external protection, by which God does not permit that man be involved in occasions in which He foresaw him as falling. The fourth effect is to remit the temporal punishment due for sins; this however not directly, but indirectly by reason of the acts of charity, which are excited through the Sacrament, as teaches S. Thomas, question 79, article 5, with note 31 and note 7.

Effectus quintus est actualis dulcedo spiritualis, qui effectus est quidem infallibilis, si non impeditur ex parte subjecti: consistit autem haec suavitas in promptitudinem voluntatis ad res divinas hilari animo peragendas. Effectus VI est unio specialis cum Christo, et membris ejus, ex

Joanne 6. In me manet, et ego in illo. Effectus VII est adeptio gloriæ: Qui manducaverit hunc panem, vivet in aeternum. This Sacrament has also other effects towards the body, as Lugo holds, ibid., n. 36: namely, diminishing the fuel of concupiscence, exciting good imaginations, sanctifying the very body, and conferring resurrection and glory upon the body. It is indeed very probable, according to species consecrated, that as long as they are in the stomach, greater graces should be caused, with a greater disposition approaching, as Croix n. 524. with Con. V al. 270. — Question None

I. Si accedere ad Eucharistiam cum peccato veniali habituali sit novum veniale? They affirm. 4. c. 6. n. 3. and c. 7. n. 20. However, probably they deny it, Sotus, num. 21. Reason, firstly because this is rather a deficiency of perfect reverence than positive irreverence; secondly because the very will to receive the Eucharist and its effect is some kind of virtual detestation of venial sins, by which guilt is removed so that they themselves minimally impede the fruit of the Sacrament. It is asked II.

He who communicates with an actual venial sin, sins venially and loses the fruit of the Sacrament. When guilt affects the very Communion, it is generally believed that if someone communicates out of vain glory or some other venial end, no one doubts that he sins venially, as stated as certain in n. 22 and §. 4 n. 9. It is doubtful whether one commits a venial sin by communicating with an actual or virtual intention to commit a venial sin, or with a venial concomitant, for instance through voluntary distraction, or by uttering idle words, and similar actions? They deny it. Yes, p. 6, n. 52a., and they consider it probable. However, they more truly affirm with the common: s. 66, d. 1, p. Dicendum, Lugo, d. 14, n. 31, n. 23, cum F'ill. et Reg. ac Croix l. c., cum etc. ex D. dist. 2, qui dicit: « Nam habentem adhuc voluntatem peccandi, gravari » magis dico Eucharistiae perceptione, quàm purificari. "Reason, because such a communicator positively inflicts an injury upon the Sacred Mystery."

This with regard to guilt: but as regards the fruit or effect of the Sacrament, others say that an acceding communicant without actual disposition (which consists in the exclusion of venial fault in the act of communion, and in some pious movement of devotion), receives no fruit of the Sacrament; and thus holds St. Thomas in IV, D. 12, Q. 2, Art. 10, Q. 3. Cajetanus in III parte, quaestio 78, articulus 1, pagina 26, versículo 1. It is to be prenoted beforehand; likewise, S. Bonaventura. St. Anthony. Ales. et sexta tertia. Asserting.

That they prove, too large D. August. Sermon 15 on the Word. Apost. ubi: « Non justificat (Deus) non quasi dormientes, » non quasi ut non conemur,

non quasi ut non velimus. Therefore, « He who made thee without thee, without thee justifieth thee not. » » Then on account of experience, because many priests are observed daily to celebrate in a state of grace, and yet nothing profiting. But others more commonly say, such a one is not deprived of any fruit, as in section 63, article 3 of de Euchar., and Lugo, day 14, note 36 with Sylvio, Soto, Vasq.

Thomas mutaverit sententiam in III Pars, Quaestio 79, Article 8, ubi expresse docet quod licet qui communicat cum venialiter concomitante Communione, v.g., cum voluntaria distractione, non recipiat actualem reflectionem spiritualis dulcedinis tamen recipit augmentum habitualis gratiae vel caritatis. This sentiment is indeed much more common, but the first does not seem to be unreasonable. ## ARTICULUS II. ## What is required for the disposition of the body. 271. Does pollution and conjugal act impede Communion? — 272. Yes. I. What if pollution has been voluntary?

And what if it is involuntary? — 273. What. II. Is it always a venial sin to approach the Eucharist after conjugal intercourse? — 274. Qu. III.

Is a husband bound by debt to abstain from communion on that day? — 275. Does an external stain, like leprosy, impede from communion, and also from this celebration? Does a woman who is menstruating? Is the latency of arms? — 276. Must a priest be vested in stole when communicating outside Mass? — 277. Required by natural fasting before Communion.

See the Resolutions among Bus. — 278. Prior to Communion: 1. this is not a divine precept. Præ-not. 2. non dari in eo parvitatem materiae. Translation: Præ-not. 2. not given to him a smallness of matter.

Prænot. 3. three things are required to be observed in order to fulfill this fast, according to the three Rules, viz. — 279. Rule One. That the thing be taken from without. Dub. 1. Does a voluntary transgression in regard to the remains of food break the fast? Dub. 2.

Do mixed drops of water with saliva, or tasted drops of juice, count? Is sugar inserted into the mouth before midnightr? An water drawn from a fall into a river? An sanguis haustus à digito? What if it flows forth from the head? — 280. Rule II.

That which is taken as a matter of eating or drinking. Dub. 1. The consumption of tobacco dust through the nostrils breaks the fast. Dub. 2.

The smoke of tobacco. Dub. 3.

The leaves of tobacco, or aromatic substances chewed with teeth? — 281. Rule III. That which has the reason of food or drink may be taken. Hence it is asked whether food and drink suffice to satisfy fasting regarding hair, wool, wood, paper, pebbles, chalk, and the like? — 282. Whether it is licit to follow the latest hour among the clocks? And what if someone swallows food after the first stroke?

Is it permissible to communicate after a doubtful fast? See 1. 1. n. 8o. 283. — Whether it is a sin to take food or to expel it immediately after communion? — 284. In what cases may one communicate without fasting? — 285. May Viaticum be given a second time to the sick one who has not fasted? Dub. 1. How much time should one Communion be separated from another?

Dub. 2. To whom communion has been received by few days before from devotion, let him be held to take Viaticum when danger of death approaches? Dub. 3. Whether one who has received Communion in the morning is bound to receive Viaticum upon the coming of mortal danger? Dub. 4. Whether a deacon can sometimes omit the words: Accipe viaticum etc. — 288.

A Priest can celebrate not fasting in order to give Viaticum to another? Whether he may fast himself in order to give Viaticum? — 287. Is it permissible to communicate after having eaten, so that the Eucharist may not be wasted or treated improperly? An ad vitandum scabellum? — 288. Whether for the completion of the Sacrifice, or for Communion? — 289. An ad vitandum mortem?

Is it permissible to communicate before sleep or before digestion? 271. — « RESP. 1. No corporal stain per se impedits reception of the Eucharist, since it does but little to affect moral goodness or evil; yet it can sometimes incidentally impede, on account of consequent effects. Thus it is permitted to communicate before sleep or digestion? 1. Non impede la pollution involuntaria, nò neppure volontaria mediante poenitentia espiata, salvo l'effetto maligno, per esempio la turpitudine della memoria e della delectatione, vel distractionem et perturbationem animi relinquat: in tal caso, come sempre dopo un colpevole, è opportuno e secondo la sentenza del comune subvenire con veniale differendo; salvo che una giusta causa suggerisca altrimenti, per esempio il grande frutto della festività, la regola dell'Ordine: o se da Dæmoni excitata putetur, ad frequenter Communionis impedientem. Holy Book 9 on the Matter of the 13th Day. Good. Decretum 4. quaestio 6.

page 2. Card. de Lugo d. 15. sect. 1. « 2. Neither does conjugal act prevent, although it is decent and advisable to abstain at least from the preceding night, if he rarely communicates. Thus Fil. and . c. Escob. lib. 7. E. 6. n. 83. If he repaid a debt out of necessity and did not thereby experience any perturbation of mind or effect pertaining to matters at hand: but if he had done so for the sake of pleasure, it teaches Reg that abstention is necessary on that day (especially if an adverse effect had followed).

L. 29. T. 117. . 5. T. 4. C. 6. N. 10 et 16. March. Perez d. 49. Section 3. Note 8. Adding that it is only a venial sin; rather, an indecency can be justly compensated for by a proper cause. "(See what is said here n. 273 and thereof) " "3." Similarly, although it is fitting and advised by counsel after Communion to abstain from copula on that day, nevertheless it is permissible out of a good end; for example, from love of offspring in order to avoid the danger of incontinence, or to make a debt due; see §. 6 and Sanches, lib. q. d. 13, and March.

272. — What dost thou inquire about, I? Does pollution always impede from Communione? This must be distinguished between voluntary pollution and involuntary pollution. If it was voluntary, Naon and others say according to 15. ex n. 1. (wherein in the posterior edition Naovarum they have changed the opinion), Herbert. t. 5. p. 571. v. But, Nat. 2. § 2. n. 11. pag. 367. n. 10. and others similarly throughout. Moreover (whatever Azor may say in the contrary and in treatise 4.

R. 30.) commonly teach that DD. at least this kind of penitent should abstain from Communion publicly on that day because of the reverence due to so sacred a sacrament. Thus Lugo l.c. n. 4. (who calls the opposite opinion false), the Council l.c. 7. n. 59. n. 4. . 4. a. 8. n. 3. from D. Thomas in 4. D. 6. q. 1. a. 4. q. 2. ad 2. qui do- cet: "Non esse consulendum alicui quod statim post peccatum mortale etiam contritus et confessus ad Eucharistiam accedere ret, sed deberet nisi magna necessitas urgeret per aliquod tempus propter reverentiam abstinere." And it is also evident from the book of the Testament 1. In Distinction 6, where Saint Gregory writing to D. N. 59. 3 and Bon. D. 4. qu. 6. cum Nunno et aliis passim nisi scandalum vel aliam justam causam exigat Communio prout prudenti confessario videtur ut dicitur in rubricae.

This however must be noted as proposition 22, condemned by : "It is sacrilege to judge those who claim the right to Communion before they have undergone due punishment for their sins." Nevertheless, this notwithstanding, the confessor may, if he deems it expedient, at times defer the reception of the Eucharist for a great sinner, and it is fitting also

to sometimes defer absolution in order that his constancy be tested or some enormous horror be instilled against sin. VI. TREATISE. III. ON THE EUCHARIST.

CHAPTER II Then, as they rightly say, in practice 2 and on page 353, note 81, with Michel and others. Roncaglia however adds in loco citato that it is good to advise such a sinner, so that before he approaches Communion, he take care to erase the guilt of the punishment by pious works; but this is only counsel, according to what is said in 4 loc. cit., namely, that if such pollution frequently happens through the operation of demons, it does not hinder from receiving Communion: otherwise, if it comes about for another cause, still without any fault; then he says that a man should be held back from receiving Communion on account of venial sin due to decently abstaining from it, and also on account of the corruption contracted in the body, and finally on account of the disturbance which follows pollution. Others however commonly and more correctly say that if the pollution is habitual and does not leave any perturbation, it minimally impedes from receiving Communion; for only a corporal stain obligates one to abstain from the Eucharist; thus 5. part. 7. qu. 6. n. 14. with S. Victorinus, part 3, distinction 68, section 2, verse. I say with Soto, Ales. c. 7. n. 62. Reason; because the external stain, since it is now past, does not pertain to moral integrity. And this is so even if the pollution arises from a venially culpable cause, for then it exhorts to abstain only out of counsel. l. 9. disp. 13. cum p. 13. n. 2. cum Vasq. et n. 6. cum et Fill

This is proven from I. Decretals of Gregory, in the cited chapter on the Testament, where the Pontiff says that if pollution arises from excess of food or drink, this should not be prohibited from the perception of the sacred mystery, but (one) ought to abstain from the immolation humbly and deprecatingly, as I think. Where the Gloss comments. Humilmente dice:igitur est consilium bene possit celebrare si vult. It is proved 2. from the rubric where it is prescribed thus: "If there is doubt whether a mortal sin was present in the precentor's intention, consultation is sought regarding abstention, except in cases of necessity; but if it is certain that no mortal sin was present in that intention, or that no intention at all existed, but rather that it occurred through natural or diabolic delusion, he can communicate and celebrate, unless such a great perturbation of the mind resulted from bodily disturbance as to make abstention seem necessary." All the DD. [D.D., Doctors of the Church] agree that it is venial to approach the Eucharist with the aforementioned perturbation arising from delectation experienced or from pollution accompanying a dishonorable imagination, at least so long as the mental distraction persists. Unless man endeavors to repel it as much as he can, so that he may devoutly approach and thus be counted. 60. n. 2. p. 353. num. 81. . c.

6. n. 15. . s. 2. v.

From this, where S. Justin is quoted as saying: "It is not just on account of this involuntarily endured passion to abstain from mysteries;" and in Book 6. D. 13. n. 15. cum Gerson. Gabr. et Major. Or unless some just cause of necessity or devotion require otherwise, as they say concerning the subject of the Eucharist. DOUBT. II.

ARTICLE II. 65 the aforementioned authors teach the same thing, saying: "If necessity should threaten, or devotion require it, such a thing is not hindered." 273. — Question NoneII. Does a conjugal bond impede from the Eucharist? Others absolutely think that a conjugal bond having a communion day does not excuse from venial sin; thus in Matr. l. q. d. 13. n. 2. They infer that from the c. Sciatis.

Caus. 33. q. 4. ubi S. Hieron. scripsit: « Quicumque reddat uxori debitum suum, nec de carminibus Agni comedere debet. » On the contrary, some do not recognize any blame in this, as Naon did. False witness. According to some, it is sufficient for honesty merely to abstain from Communion. But it must be said with the common Doctors that venial sin is to be considered as an excuse for approaching Communion on the same day as the cause of the union has been the occasion of some indecency; thus S.T. III, p. qu. 80, a. 7, ad 2; p. 4q2, v. Prob. 3. . 59 et tit. 1. q. d. 13. n. 8. cum S. Bonaventura. St. Anthony.

Lop. et aliis pluribus; et probatur ex capitulum Vir cum propria. 7. Caus. 33. q. 4. ubi D. Gregorius ait: "Cum vero non amor pro-creandæ sobolis, sed voluptas dominatur in opere commixtionis, tunc prohiberi debet ne accedat ad hoc Sacramentum." "However correctly they say." Antoine p. 486. v. I said, and with others too, that any honest cause might excuse the aforementioned indecency; namely, solemnity occurring, scandal to be avoided, danger to reputation, Jubilee or gainful indulgence, special devotion, etc. But if the conjunction is made without sin, namely, for the generation of offspring, it is certain among all that although it is fitting to abstain from Communion on that day as taught in article 7 ad 2, this nevertheless is only a matter of counsel and not obligation; thus Lugo, decree 15, note 1, chapters 4 and 5, at the end, page 432. Finally with the Glossa on said chapter Sciatis et the Glossa cap. Omnis de et alii communiter, from D. Vir cum propria, he wrote to Augustine: "If" anyone uses his wife not out of the desire for carnal pleasure but only in order to procreate children, such a one certainly should be left to judgment by abstaining from receiving the mystery of the Body of the Lord; because it ought not to be forbidden to him to receive. Where the Glossa explains there to be prohibited, that is, dissuaded.

The reason for this common opinion is that the end of procreation, since it is altogether honest and willed by God, sufficiently makes up for that certain indecency which exists in communing after copulation. Neither does it hinder the text cited in the chapter Sciatis; for D. Thomas responds in the fourth question of the thirty-second distinction, in the first article, that according to the Master of Sentences there is discourse solely about married ecclesiastical ministers, who are Greeks; to whom celebrating on a day they approach their wives is forbidden. 274. — Question NoneIII. Whether a wife, rendering what is due, is bound to abstain from Communion on that day? Cajetan affirms n. 11, because (as they say) the repayment still leaves a weakness in the mind. But commonly S. T. I., c. 20, sect. 7, n. 5, and the same in conjunction with that.

Good. D. Anton. From here. Magno Carthusius. De hoc autem punto loquens S. Franciscus Salesius (introductio etc., part. 2, cap. 20) inquit: conjugem qui debitum exigit indecenter quidem ad communionem accedere non vero arcendum esse qui reddit dicens quod in lege veteri vetabatur ne diebus festis debita exigerentur non autem ut solverentur. And this agrees with what D. Augustin wrote on Psalm 149: "If you do not demand that which is owed to you, give it; for the sake of perfect sanctification God will reckon to you as having given back what is owed to you, if you do not demand that which is owed to you but rather give back what is owed to your spouse." The reason is because, since the repayment of a debt is an act of virtue, it does not hinder a man from participation in Communion.

And the same opinion he holds also with regard to Gerson and Major, if the conjunction is for the avoidance of incontinence, because love of continence provides a sufficiently honorable cause, rather than love of pleasure. They rightly note in no. 58 and no. 9 with Cajetan that only this can be done, as he says. What, however, should the Confessor respond if he is asked by the spouse whether payment of a debt is required on the day of Communion? Wisely 16. 1. 9. d. 2. n. 16 et 68. sectio 2. in fine docent, respondendum quod si conjux frequenter communicare solet, v.g. omnibus festis, eum obligari ad reddeluum, ne periculo exponatur peccandi contra justitiam vel charitatem; si vero non frequenter communique, sed tantùm in præcipuis festivitatibus, tunc illi suadeat ut roget alterum conjugem abstinere in honorem Communionis, modo non incurrit illius indignationem; tunc enim, si rogatio non proficiet, poterit communicare; nisi patiatur ex redditione insolitam distractionem, nec conetur, ut diximus, eam repellere. They say that there is no fault in not rendering the debt on the day when the husband has already communicated. They, however, consider it to be a venial sin thereupon.

Saint Anthony. Syllable. Mire. Turrecrem. c. 21. n. 51 et 275. — Pertinet etiam quodammodo ad dispositionem corporis accedere ad Eucharistiam corpore et sanguine, sine aliqua macula notabili, quæ sit externa et delebilis; nam si esset occulta, non obest; neque si esset perpetua, ut lepra, fistula, et similis, prout dicunt communiter. 68. sect. 2. v. I say therefore, n. 1 and n. 5, tractate 6, chapter 6, note 24. However, a priest who is infected with leprosy or some other horrifying disease is prohibited from celebrating publicly, according to the chapter *Tua nos*, de Clerico ægrot., where it is said for scandal and abomination of the people; hence he can celebrate in secret, as stated by Palaus loc. cit. num. 56.

But truly, women may they communicate during the time of menstruation? He feels that if they themselves conveniently can defer communion, they are bound to do so under a venial sin, according to Dionysius the Areopagite, who says that such women should not thus be touched by the Body and Blood of the Lord. But more commonly and reasonably they consider, with Alensis and Palud., that this is only a matter of counsel, according to D. Gregory (according to I. T. I. cap. ult. n. 2. v. (Objection), who in his Letter to Augustine, speaking about a menstruating woman, wrote thus: "If she does not presume to receive with great veneration, it is praiseworthy; but if she receives, she should not be judged: for among the minds of good women there is even recognition of faults where no fault exists." Women should, however, approach Communion with modesty, with the breast covered, and without vain adornment; hence, if any woman approaches in too immodest a manner, she is to be denied participation, p. 370, n. 4. It is also fitting to approach the Eucharist with weapons deposited.

Moreover, it is not absolutely forbidden by any law to receive Communion while armed; for it can happen accidentally that there be a venial reason for scandal, as Wigandt says in tract 12, note 45, and page 352, note 74. With regard to the Gospel. However, it is fitting for soldiers of Saint John of Jerusalem to approach the Eucharist with a sword, because this sign profits them in their zeal for defending the faith; see canon 276. Furthermore, it should be noted that when a priest receives Communion in the manner of the laity, as Croix says in book 6, page 1, note 556, he must be vested with the stole, under the interdiction of excommunication, according to the Council of Breslau III, reported in chapter Ecclesiast. q. dist. 23, where it is said: "In all ways it is fitting that whatever anyone received in the consecration of honor, he retain and in oblation or reception of salvation; namely, when a priest approaches the solemnities of the Masses, or offers himself to God as a sacrifice, and will take the sacred Body and Blood of our Lord Jesus Christ, he must not approach

otherwise than with an altar cloth on both shoulders." Si quis autem aliter egerit, excommunicationi debitæ subjaceat. They however say in book 10, chapter 28, question 12, with Turrecremata and in the second chapter two, number 10, preface to the aforementioned Decree of the Council of Béziers, that today it is seen through custom as abrogated; hence they also excuse a priest who communicates without vestments outside of Mass. But more truly and commonly. 68. sect. 1. Gavant. in Ruhr. 1. p. 4. tit. 8. n. 7. Bon. d. 4. q. 6. p. 2. n. 2. cum Reg. et Graff. item Barbosa.

Henry et al., although excusing from mortal sin because the matter is not extremely grave, or because it does not seem to be received under a great offense from common use; yet properly do not excuse from venial sin: much more so because this is prescribed by the Roman Ritual where it is said, "But when priests communicate with vestments on"; and the Gloss in that chapter of Ecclesiastical Law says: The same should also be done if the priest is to be communed in sickness. 277. — “Resp. 2. By the precept of the Church, one who communicates sub mortali is bound to be regularly fasting according to the natural fast; that is, from midnight he shall take no food, drink, or medicine at all by way of sustenance. Tantò magis ita comm. And it is certain from the Councils, which you will find in Fil. . de Lug. l. c. Even though the smallness of the matter does not excuse hfc, it nevertheless does not hinder the Communioni I. Relics of food interdentally adhering pulled out by chance (for the Prelates deny this in their fourth chapter number forty-seven and in De Sacrificio respondeo thirty-seven and in part four, treatise four, response one hundred and four, see it).

» E. 6. and Card. de ubi notes this opinion » II. Blood, or any other fluid flowing from the head, and a drop of water, or wine, by chance during the act of washing the mouth, or while tasting with a sip to explore the flavor, mixed like saliva, or even a morsel of food between breaths, is to be spat out. The reason is, because these are either not taken from without, or not taken in the manner of food or drink. See c. 3. Card. de Lugo. l. c. n. 23. III.

If you place aromatic substances or tobacco leaves on your mouth from a cause that arises, then even if you chew gum or taste something else, do not transmit anything moderately. Pre-positio in tertio libro secundi partis quarto distinctorii octavo articuli octavi. The same is taught regarding tobacco smoke by Gran. in III part, treatise 5. It is taught in the Tenth Book, Eighth Question, Fourth Article (although it may very well seem indecent unless made just on account of a proper cause) and Eiusdem Ninth, where it is said concerning the same powder drawn into the nostrils that he gathers from the Seventh. Reply to the third question. Card. de

Lugo et Mor. tom. 1. d. 9 « 2.

It is probable that communion should not be impeded if one swallows a fragment of wood, paper, nail, or piece of stone; because it does not have the nature of food or drink. c. R. 38 et tr. de celeb. R. 52. from the contrary and from others whose opinion is safer. See Cardinal de Lugo and Escob. » "3." It is not permissible to communicate these cases. I.

If sugar, dissolved with the mouth by glycerine and touched with saliva. If however » there is a doubt whether you have swallowed something, or whether it occurred after the twelfth, probably teaches . 1. t. 1. c. 1. contra » . R. 29. and above l. 1. tom. 1. c. 2. d. 3. » II. If at evening, lying down, you have placed something against your throat for the purpose of relieving hoarseness, unless you are certain that after mid-night you have passed nothing, do not do so. Thus. Card. de Lugo l. c. n. 37 et alii.

It is cited however, that among clocks in disagreement any kind of following should be avoided, even the last; provided it does not happen to err; because it stands as a good authority, making an opinion probable, as Sancho 1. 2. d. 1. de Matr. says: Sancius, c. R. 36. "(See below n. 282.) III." If you have received something although shortly thereafter you reject it. IV. If you have spat out the smoke of tobacco as it is taught in d. 5. Moreover, the General [or Great] in the third part, book six, chapter ten, decree eight, denies.

V. If a priest at night on the Nativity Mass in the first Mass should take an ablution, whether by wiping his fingers slightly with water or wine. See Bon. d. 4. q. 6. p. 2. » » 278. — That all these matters be diligently discussed, it must be noted that fasting naturally prior to Communion is not required by divine law, but only by ecclesiastical law, according to the chapter Ex parte de Celebr. Miss. and various Councils, especially from the Council. Constantiensi, see what is said in I. n. 80. v.

And what. Pre-notandum: 2. quod in parte hujus jejunii, licet hoc sit præceptum de jure ecclesiastico, tamen non datur parvitas materiae: quia præceptum non jam est accedendi ad Eucharistiam jejunus, sed non accedendi post cibum aut potum; qui autem communicat post quamcumque minimam partem, jam communicat post cibum. Thus all whatever DD. Gilbert and Pasqual say shall be disregarded, who are not to be hearkened to. To be noted 3. that for this fast to be broken according to common opinion, three things are required, namely I. That which is taken may be taken from without. II.

That it may be taken by way of eating or drinking. III. That the thing consumed may have the reason of food or drink. On this matter they treat in part VI, question 68, section 4, article 5, treatment 6, chapter 6, paragraph 5, page 472. Palaces from you. p. 13. Good. Same. Title. Decretum. Fourth. Question. Sixth. Page. Two.

Lugo d. 15. Concise volume 8. page 139. Escob. de Euchar. l. 20. Holstenius, tom. 1., de Renzi, idem, tit. tom. 2., c. 4., tr. 12. Examination 4. Rongaglia from the title question 4, article 8, number 6.

Cross L. 6. p. 1. ex n. 560. Sporer. tom. 3. p. 158. Eibel tom. 3. p. 90. You may see their places in the aforementioned Authors, when below you will find the cited ones. According to Rule I. To break the fast is required that something be taken from outside; this Croix teaches in number 560. . 4.

Sporer 466 et P. sectio 4. ex decretali 8. quaestio 1. articulus 4. quaestio 2. dicit quod omne quod ab intrinseco provenit, et ore non sumitur ab extrinseco non vere comeditur, et ideo non tollit jejunium naturale. But there is doubt. 1. Whether a voluntary transference of the remains of food breaks the fast? The first opinion denies it, and this is held by them. Thirdly, Eibel n. 90. Fourth part, third title, ninth section, first distinction, first difference concerning the common and tradition four.

R. 37. with Tabien and probable lacking with Molfes. Ochagao. Leand. et Ratio, quia reliquiae cibi pridie sumpti, cum non recipiantur ab extrinseco die Communionis, moraliter reputantur partes comestionis præcedentis diei, unde quamvis ex industria trajiciantur, moraliter non constituunt novam comestionem, sed præteritam perficiunt. Addit aliam rationem. It does not seem that this opinion is contrary to Rubr., where it is said thus: "If the remaining fragments of food in the mouth are transglutinated, they do not impede Communion, since they are not transglutinated as food, but as saliva." The second opinion, however, is more common and D. Thom. affirms this in the third part, question 80, article 8, ad 4, where he says: "If remnants of food remaining in the mouth are casually swallowed, they do not impede Communion."

Therefore, if they are transglutinated with purpose, they impede; and thus also Cacas hold in c. 5, n. 7. Filio de Eucharistia n. 336. Reply 2, number 5, article 8, number 4. Reason, because this kind of transfer of remains, when done with industry, seems to be a new alimentation. The first opinion does not seem improbable; but this second one is more probable and altogether to be preferred: as they rightly say. And although in this there should not be scrupulosity, as prudently observed by P. 16 n. 36, which is also embraced by N. P. Benedictus de Sacr. 1. 3. c. 17, namely

that relics torn from the teeth, which sensibly are perceived in the tongue, indeed should be spat out: but there is no obligation to exercise diligence in extracting those relics from the teeth if they are suspected of being swallowed, unless they are extracted; otherwise, this obligation would be subject to countless scruples and perplexities, to which certainly the Church did not intend to subject itself. It is doubted whether drops of water mixed with saliva, or juices tasted from a cup, if swallowed with intention, break the fast?

If the aforementioned drops are accidentally spilled, it is certain that they do not break the fast, provided that they are not in large quantity; so that all may be in accordance with what D. says in Article 8, ad 4, where he states: "And the same reasoning applies to residues of water or wine used for washing the mouth, provided that they are not spilled in large quantity but mixed with saliva, which cannot be avoided." Therefore, a doubt arises whether they are swallowed with intent? They feel that the guttural sounds do not break the fast, provided they are mixed with saliva; and this is also what Lugo n. 33 seems to hold, saying that since it is not considered drinking to swallow one's own saliva, therefore these guttural sounds do not violate the fast by being projected in the manner of swallowed saliva; but rather, it must be firmly affirmed according to the common opinion followed by many, including those who follow Sylo. n. 67 and others commonly. And the same teaches this, D. Thom., I, c., where after he said that remnants of food do not break the fast if they are swallowed involuntarily, he says «to have the same reason regarding the remnants of water » with which the mouth is washed; » as was related above. It is confirmed from Rubrica 1. c., where it is thus stated: "The same should be said (namely, that jejunium is not broken), if a drop of water swallowed while washing the mouth." Therefore, if broken through intention.

The same should be said if someone introduces sugar into his mouth at night, and afterwards, after midnight, he consumes something; as it is taught in .68 and Renzi tom. 1. 1. 3. tract. 4. c. 4. q. 7. cum etc. commonly, whatever anyone may say regarding tractatus 14. Reply 51. Reason, because it is not that remainder of the previous day's digestion, but rather a continued eating. Thus also it breaks the fast who drinks water, even involuntarily, whether because he falls in a river, or because another forces some such thing into his mouth, as Croix says, n. 568. Thus also if anyone should lick blood from a finger, or tears flowing from the eyes, as is commonly said, 4. Mazoita t. 3. pag. 149. et Croix cum Lugo, et Secus verò dicendum, si quis deglutit sanguinem defluentem ex capite vel gingivis, aut saniem ex pustula oris emanantem, etiam ex industria, ut communiter docent Suarcz sect. 4. v. Quares, Cabassium, caput 5., nota 7.

Habert tom. 5. p. 487. Antoine page 485. Concina n. 6. Reply 2. and v. True). Reason, because as stated above by St. Thomas, whatever comes from within is not truly eaten nor does it break the fast. 280. — The second rule is that in order to break the fast something must be taken either through the manner of eating or drinking; this rule is commonly taught by Lugo, d. 15, n. 28. Syll. 3. p. q. 80. v. 8. et alii passim.

But there is doubt i. Does he break the fast by taking snuff through the nose? Antoine de Leone affirms, and the said doubt is found in book one, question nine, article nine, and he greatly doubts the principle. But commonly others deny this, even if something is transmitted to the stomach; because although such matter may be nutritive, nevertheless it is not taken by way of digestion, but by way of attraction. Thus 4. Lugo l.c. Croix n. 570. cum Aversa, Renzi q. 7. tr. 7.

R. 3. with Marchant. and 7. c. 63. where incidentally he formerly referred to Inn. X et XII emanatam fuisse excommunicationem in eos, qui sumerent tabacum per nares in Vaticano, idemque præscripsisse Urbanum VIII in Ecclesiis Diœcesis Hispaniensis; sed deinde hanc prohibitionem abstulisse Benedictum XIII. Whereupon he thus concludes: "Today, however, so far from being prohibited (habitual use of tobacco), it causes no scandal: " And that which has been said about tobacco is also said about water poured through the nose." According to Saint Faustus, at 72 LIB. IV. TRACT. III.

IN THE TREATISE ON THE EUCHARIST, CAPITULAR II, HE HAD ADVANCED THAT THIS WAS NOT THEN RECEIVED SIMPLY BY ATTRACTION BUT BY A DIRECT WILL TO RECEIVE, WHICH IN NO WAY SEEMS PERMITTED BY THE CHURCH. But you will say: The attractive action is neither potative nor manducative. It is replied that although this action is not naturally ordered to project drink or food into the stomach, yet it is so ordered by the very thing that attracts; and thus it acquires a moral reason for being considered either drinking or eating when proper matter and an action apt for the end of projection into the stomach are present. The same must be said of him who shall swallow dust or powder, or rain, or a snowflake, or a gnat, or a fly; for if this should happen by chance through respiration, it certainly would not break the fast, as commonly they teach. You will ask, Lugo n. 34. Habert p. 476.

Rensi q. 5. Since such an action is not eating but breathing, which the Church did not wish to prohibit; for who could avoid swallowing something of dust with the wind? Otherwise it would be so (as correctly teaches Lugo n. 36), if anyone intentionally desired to strike a gnat or swallow dust, because these would not be mere breathing, but voluntary

swallowing. And justly does Lugo n. 35 say the same: if someone were to swallow something, such as grapes placed in his mouth by another, even though he himself did not notice it and inadvertently expelled it while breathing, because the Church did not wish to hinder Communion on account of things that are drawn in with air, but only those which are not carried along with the air. Doubt is cast. Does smoke from tobacco, or similar [things], break a fast? Lezana and Antoine of Leone affirm equally, by way of reply (as they say), that smoke also in some manner nourishes.

They, however, commonly and more probably deny it, as Sporer n. 467. Croix n. 570. cum cum Trul. . et . Diana and Villal. The same opinion is followed by the third chapter of the seventeenth book, testifying to this being confirmed by common decree today. Reason, because smoke from tobacco is neither food nor drink, and it is not taken through eating or drinking; otherwise we should have to say that one breaks a fast even those who would accept smoke in the kitchen where foods are prepared. And this is the reasoning, even if the smoke is voluntarily introduced into the stomach, as they probably say in chapter 7 of the preparation [of the work].

Renzi q. 7. . c. et Burgh ap. Cross n. 569. contra. c. cum Dubitatur 3. Whoever breaks the fast by taking a leaf of tobacco or an aromatic substance, and chews it with his teeth and expels phlegm thereby? They affirm the same thing, and Henno at Tournel does so because (as they say) something is always carried to the stomach, and for this reason phlegm is expelled. But they deny [it] according to lib. 1, dist. 1, qu. ex n. 2, n. 467. 7. Es-cob. n. 438. cum tr. 13.

R. 1 with the Council, etc. And they rightly consider this probable with 7. Tambur. numer. 6.; sed hoc non admittunt Bon. et . This, however, is to be understood thus: if one swallows a grain, but not if some minimal part of what has been swallowed is insensitively mixed with saliva, because this truly passes through in the manner of saliva. All indeed agree that such mastication should be considered indecent before Communion; hence I think it cannot be excused by a venial fault unless some cause remains. Rule III requires that to break the fast what is taken must have the nature of food, or rather of drink. Hence there is doubt whether the consumption of hair, nails, wood, papyrus, lint, cotton wool, and similar substances impedes Communion? There are three opinions.

The first opinion universally denies this, because all these things do not have the nature of food; or at least they are not used as such. Thus treated is the fourth question of the twenty-eighth resolution. Renzi qu. 4. cum Jo. Delacrua, Ludovico de Sancto ut supra, et . Thus 8., and for this opinion

they also cite D. q. 80. n. 8. ad 4., where he says: "It makes no difference whether such a thing alters or does not nourish, provided it is taken in the manner of food, rather than drink." The third opinion commonly teaches that one should minimally break the fast if foods entirely undigestible are consumed, such as hairs, nails, metal, glass, threads made from silk or wool, small bones of fruits completely purified; for these neither nourish nor have any proper relation to food; yet the Church only prohibits receiving the Eucharist after a meal or drink, as is evident from Canon 2 where it is said: "No one having taken the minimum of food or drink should presume to celebrate Mass."

» And from the Council. At Matisco, where it is stated: "Let not earthly food precede heavenly food." The same is said by S. ad Januariam: "It pleased the Holy Spirit that in honor of this great Sacrament, the body of the Lord should first enter into the mouth of the Christian before any other food." » Thus it is said. Sporer, n. 467, n. 28. cum Henr. Nunno: "Et ideo neque post assumptionem aquae vel alterius cibi, aut potus, vel etiam medicinae, licet hoc Sacramentum accipere, nec refert utrum aliquid hujusmodi nutriat vel non nutriat."

Note that something of this kind. Therefore, whether it nourishes or does not nourish. Preterea, poterit accidere quod cibus illico evomatur, et sic non nutret; et ideo dixit « aliquid hujusmodi impedire Communio » sive nutriat, sive non nutriat. However, it must be said in accordance with the aforementioned AA. regarding digestible things which can be altered by the stomach and converted into the substance of man, as are paper, straw, thread from flax, medicinal powder, wax (for wax nearly always retains some mixed honey), so too . . 5. p. 147. (contra Lugo num. 32. . II. cit. regarding earth or clay, which women often eat, since something is found in it that can be altered by the stomach and nutritive. 282. — Whether, however, among many clocks disagreeing with one another, it is permissible for someone to follow the last in order to receive Communion? Merolla et Salas negant ap. Dianam p. 4. tr. 3.

Reply 19. But commonly affirmaing similarly. l. a. dist. 41. n. 40. Fourth point, page 3, title 9, doubt 3. Merati in c. Spore p. 159. n. 471. 1 p. 38. nu. 180. cum communi ut asserit Croix n. 581. Lugo d. 15. n. 45. cum Fag. Sanction, and nu. 353. with cum Pasq.

But if it is not certain that there is an error, as wisely observe Lugo and Escob. Or rather, I add that with regard to the clock from Croix, it is not among those which are most likely in error, because these are presumed always to be in error. Whether, however, he can communicate who has swallowed the food after the first stroke but before the last? They affirm

with 580. Because (as they say) the last blow completes morally the same hour in such a way that all blows are gathered into one. But rather they deny this, those from Lugo on the 15th day, note 37.

Reason, because during the first stroke of the hour, midnight has already passed, as even the most skilled maker of clocks has confirmed to me. I, however, feel as something certain and to be held that the time of midnight is to be understood physically rather than morally; for if it could be understood morally, why should the opinion of Caramuel not be admitted, who says that communion should not hinder one who has swallowed food shortly after a little less than an hour has passed from the last stroke of the clock? But this is commonly held by the Doctors and by themselves. Whether, however, in a doubt negatively stated, or after having communicated, it is mid-night, can anyone communicate? It is very probable, in fact perhaps more probable, the affirmative judgment, which is observed in . l. 1. n. 80. cum Busemb. . 26. n. 87. tr. 13. R. 2. . 3. de cum Henriques, 1.) de non accedendo ad Eucharistiam post comestionem: non teneris ab illa abstinere, quatenus non es certus; et magis si nullam habeas rationem probabilem te comedisse; tunc enim adhuc manes in possessione tuae libertatis. 285. — « 4.

It is not a sin, speaking generally, to take or expel food immediately after communion, as St. Thomas teaches in q. 6 p. 1 n. 25; hence those who had dined shortly before midnight on Saturday preceding Christmas Day are able to celebrate immediately after midnight, teach Diana and others in p. 3 t. 4. Even though out of reverence for the Sacrament it is advisable to abstain until the species are consumed, which seems at least certain within half a quadrant in a layperson (within a quadrant in a priest), Card. de Lugo decrees this on day 12. » sect. 3. n. 54. ex judicio mediocrum a se consultorum. §. 4. ex Jo. . 38. notat citius a valido » quam a debili stomacho; regulariter tamen ab omnibus intra ho- » ram consumi; refertque infirmum quemdam post mediam ho- » ram species integras rejecisse. All agree that it is fitting for communicants to abstain from vomiting during some interval of time; yet they say . i. de n. 76. Wigandt tr. 12. n. 45 et Croix l. 6. p. 1. n. 549. nullum esse peccatum expuere post Communionem, si nullum hostiae fragmentum remanserit in ore. Whether, however, it is permissible to eat or drink immediately after Communion?

Formerly it was prescribed that abstinence from meat be observed by young people after Communion until sext, but this precept has long since been abolished, as taught at its proper time by St. Thomas in III P. Q. 80, Art. 8, Ad 6. Wherefore he says: Today no manner of speaking can one be held guilty who eats immediately after Communion. But this more properly does not admit Croix ibidem with others such a consumption,

since while the species consecrated still persist in the stomach, it is not excused from venial sin on account of some irreverence, as the cited Doctors teach: "There should be... some delay between the reception of this Sacrament and other foods." "However, at what time do the species consecrated remain in the stomach?" See what is said in no. 25; it treats of the subsequent cases, provided that fasting cannot be observed without notable inconvenience, as moment "1." In periculo mortis, sive hoc sit ex morbo, vel vulnere, vel veneno, sive ex sententia judicis.

And indeed in the same illness, although one is not bound to fast, yet one can nevertheless after a certain number of days—say six or seven, or even as long as two days (although primarily attending to the matter at hand for the purpose of receiving Viaticum, according to Card. de Lugo)—repeat the viaticum without fasting, provided that one is not able to fast and that the danger of death recurs, as is taught by the commentator; although it may seem otherwise against de Lugo, s. 3, n. 65. But even though it is not permitted for a sick person to communicate solely from a vow while fasting; yet if the illness were prolonged, and Communion could not be given without medicine, it seems probable that this would be allowed, teach Armi/ and Tolomei. Suarez permits it after 30 days, as Nau does. Henr. Fac. alii 7 ut Syl. alii 6 ut Arm. Zamb. Pos- » seo. et mis R. 77; alii per- » mittunt toties quoties sano posset dari jejuno: ita Escob. f. 7.

R. 6. ex Hurt.; alii vero statim post hoc die dare possunt, propter justam causam, ut si propter consuetudinem et desiderium aut devotionem difficillime abstineat, et moraliter videatur stare in periculum mortis. Thus 5. treatise 4. chapter 9. note 20. Verily in this matter the custom of the place must be regarded, which now seems to permit safely that when sickness and danger are prolonged, Communion may again be given non-judiciously after seven or eight days. See De Lugo, d. 15, sect. 3, de Euchar. 288. — Is it permitted to again administer Communion to the sick person who is not fasting, who has already been fortified with the Viaticum? Whatever the doctors may say individually, the true and common opinion is that which they hold. p. d. 68. s. 5. . 5. tr. 4. c. 6. n. 20. p. 320. n. 16. . 1. p. 351. n. 73.

Tourn. tom. 5. p. 485. v. True, when n. 64 agrees with Sa, and Benedict XIV testifies to this concerning the Synod, l. 7, c. 12, no theologian of any name denies this proposition. The reason is because this Sacrament of the sick is not given precisely to satisfy the precept, but as a safeguard against temptations which are more pressing at the time of death. And this is not only if a new danger recurs, but also if the same persists, as Sylvest says. Eucharistia num. 3. . 3. p. 101. n. 129. (qui testatur hanc esse communem praxis Ecclesiæ) et. Hozlm. ll. cc. cum Soto, XIV, l. c. n. 5. ubi sic addit:

Episcopus insinuet Parochis posse et debeo Viaticum in eadem infirmitate iterum ac tertio administrari præsertim si aegrotus exposcit; et si velit pænam decernat in Parochos qui aegrotis devotè postulantibus iterum et tertio Eucharistiam deferre detrécent falsis prætextibus.

Neither does Vasq. say the same thing in a negative sense as Bus. and Lugo assert; for Vasq. speaks only of the obligation of the precept, which he considers to be satisfied by a single reception of the Eucharist. But there is doubt 1. How much time should intervene between one Communion and another? The common opinion holds that a space of about three days should intervene between one Communion and another; thus c. Tourn. d. p. 485. from the ancient Roman Ritual. Escob. lib. 20. cum Sylo. et Fill. ac cum aliis. But not unprobably. n. 20.

Escob. ON THE SUBJECT OF RUCHEARISTL. DOUB. II. ARTICLE II. 77 n. 363. and . 4. R. 3. When Hurt. say that a person who is ill and accustomed to frequently receive communion out of devotion can properly immediately after receiving Viaticum on one day take communion again without fasting; they admit this for each individual day n. 14 and consider it probable . 24.

There is doubt 2. If anyone has received Communion within forty days from devotion, should he be bound to receive Viaticum if a sudden danger of death should occur? The first opinion, more common, denies it, even if Communion preceded by about eight days; this is held in c. 5, n. 4. Lugo d. 15. n. 39. cum communi ut asserit questionem quartam. R. 1. . 4. Question 7. p. n. 1. 2. cum Concilium. Ang.

Fill. Table. Henry You will ask (those who, like Soto and Palud., hold that if communion has been received three days beforehand, it is thought probable by Palaus p. 14 n. 7 and n. 5). Reason, firstly because the precept of Communion has already been fulfilled in substance through the previously received Communion; secondly because therefore it is held that a man should communicate at the point of death, so that he may prepare himself for the passage from this life to the next by this Sacrament, but now he is deemed sufficiently prepared who communicated a little while ago. Haec sententia est satis probabilis, saltem (ut dicunt c. et Lugo n. 55.) si periculum mortis naturaliter accidat, quia tunc in illo brevi tempore antecedentia jam moraliter coepit imminere, quamvis fuerit ignoratum.

The second opinion is held to be more probable, namely by Vasquez in d. 214, c. 2, n. 14. Palau l. c. n. 14. v. You ask when treating book 3. R. 33. with Hurt. Turu. c. 8. n. 7. Reason, because this divine command, according to the precise interpretation of the Church, obligates

instantaneously by imminent peril of death, so that against enemies we may be fortified with this divine protection; therefore it is not fulfilled through Communion received out of devotion; for congruity cannot satisfy the debt before it is contracted, just as neither can the precept be satisfied before its obligation urges.

It does not hinder to say that he who communicated a short while ago has already sufficiently fortified himself against the imminent danger of death, whence he has already fulfilled the end of the precept; for if this were valid, those who communed on the preceding Palm Sunday would not be bound by the Paschal Communion, but no one will say this. Doubt is cast. Whether he who communicated in the morning out of devotion is bound to, or can receive the Viaticum on account of urgent peril of death? There are three opinions. The first opinion affirms that he is bound by it, because then the Viaticum must be received to fulfill the divine precept; this is held by tr. 3. R. 33. with Hurt.

Turrianus tractatus undecimus. R. 4. with Pell., thus they hold question 4. R. 1. XIV from Syn. l. 7. c. 11. considers number 36 and numbers 6 in tractate 6 as probable. R. 17. when the Society of Jesus was in Palermo in the year 1636. The third opinion, which they hold, section 2, number 5, 78 LIB. 69.

IV. TRACT. III. ON THE EUCHARIST. CHAP. II. n. 14. and says that he neither ought to be hindered nor can communicate, because although the divine precept obliges from the intention of the Church, the practice of the Church is that no one communions twice in a day; yet this case should not be admitted without necessity: nevertheless Concina doubts whether one who is inflamed with fervent love and requests Viaticum might communicate. N. P. Bened. considers all these three opinions probable.

XIV. l. c. sic dicens: "In tantae opinionum DD. discrepantiae, integrum erit parocho eam sententiam amplecti, qua sibi magis arriserit." However, the sentiment of Lugonis d. 16, n. 53 and 54 seems more probable to me, who distinguishes between a natural and a violent illness, and says that if anyone has been struck by a wound or has fallen from a height, he can communicate (indeed is bound to do so, according to our sentiment in the aforementioned Doubt), because here truly he did not receive Viaticum while in the article of death; but otherwise, if someone who was already ill communicated out of devotion in the morning, then indeed it can be morally said that he communicated while in danger of death, since that illness was already dangerous in itself, even though it had not yet become known. And I think that the same should be said with ; for such diseases are judged to already exist in their causes, although they may not be

known. This however should be diligently noted according to n. 74. 4. ar. 8. n. 9 and others, namely that if a sick person can easily take the Viaticum on the following day, he is certainly bound to wait; but otherwise, if there is danger of death; or if he cannot conveniently wait, it should be supposed that medical treatment ought to be delayed, or that the Eucharist should be administered rashly at night, as he says. They say well about the remainder: according to Soto, the simple invalids are exempted from the law of fasting. The damned, however, can well communicate non-fasting if the Judge did not wish to defer the execution of death for a longer time so that they could communicate fasting, as rightly say n. 82 and Wigandt tr. 12 n. 49 (V.

Not. VI, p. 345.) Dubitatur 4. Whether a ministering priest can omit at any time those words prescribed in the Ritual: Accipe Viaticum, etc., is doubted 4. The Clericat denies this from n. 12 and §6. q. 24. This is because (as they say) the aforementioned words are very precious, as they have been ordained by the Church; and also because the Roman Ritual makes law regarding those things which it prescribes itself, when Paul V in his Bull said that they should observe them inviolably. Probabiliter tamen affirmat ipse de Alexandro et Tournelius l. 1. c. 1. §. 12. n. 6. p. 44. ex Pasq. casu quo infirmus magna animi tristitia Communio per modum Viatici sit suscepturus. Nam ad satisfaciendum præcepto Viatici non requiritur intentio satisfaciendi, sed sufficit ut ponatur opus præceptum, secundum dicta de 3. num. 176. Or at least, it is sufficient that there be an interpretative intention to satisfy the obligation, which is more pressing.

As regards those very words prescribed by the Ritual, Alexander responds with the Consul in § 36: Neither does it happen that all matters contained in the Ritual are subject to a precept, but some are prescribed there under an obligation deriving from elsewhere, and others merely recommended for decency; nor does the Pontiff remove them from their order, but only ensures that what is within his own order proceeds rightly; for these are the words of the Bull: « Therefore we exhort Bishops, Vicars, Parishes, etc., » so that in future, when established in the Ritual for sacred functions, they may use it and observe things of such importance which the Catholic Church has approved by its ancient usage. Therefore, it should regard only those things which the Church, and the approved usage of antiquity, have established inviolably observed. However, whatever this point may be, even if all things in the Ritual were to fall under precept, it can in no way be said that the precept for pronouncing those words would induce a grave obligation; for the very words which are substituted, Corpus Domini nostri Jesu Christi, etc., signify and operate precisely the same. To excuse however from a venial sin, in our case it will be sufficient cause for changing those words so that we do not afflict the sick with great sorrow.

286. — " Finally, although it may seem probable tr. 4. Sentence number 242. C. de Lugo id quod docet Maj. in IV. D. IX. cap. III.

Far. Regarding the matter of fasting, etc. (5th topic, 4th question, chapter 6, note 21), it is limited to the case of necessity, in which one who is about to die would not be able to receive another Viaticum, and scandal would cease; hence, it may not fast for the time being until the other Viaticum, because this pertains to divine law, whereas fasting only concerns ecclesiastical law; therefore, not only can it be done, but it should also be held according to chapter 6, topic 10, question 8, note 12. » That nevertheless is commonly rejected as merit-worthy; firstly because contrary to this practice is proved; secondly because greater weight must be given to the reason of the Sacrament than to any proximate necessity; thirdly because the precept of Viaticum does not oblige when it cannot be duly fulfilled. Thus concerning the Eucharist, distinction 17. » teaches. C. de Lugo to be more probable.

V. tr. 4. Response 33. The priest, however, who is near to death (whether natural or violent), can without doubt celebrate not fasting, in order that Viaticum may be given to himself, if it cannot otherwise be obtained: because there is no more required in celebrating than in communicating by means of taken food. Card. de Lugo d. 15. s. 4. t. 3. R. 36. It is asked whether a Priest can celebrate for the administration of Viaticum while not fasting?

The first opinion affirms this, and this is held by P. n. 7. likewise ap. Lugo, d. 15, n. 67, et probabilem vocant Esc. l. 20, n. 368. Vioaq. 4. ar. 8. n. 9. tr. 2. res. 78 et Lugo l. c., cum ad 3. in fine, eam non audet redarguere. Reason: in this case, the divine precept should be preferred to the ecclesiastical; and because the same ecclesiastical precept, which permits the dying to communicate without fasting, is also considered by the Priest to permit celebrating without fasting, so that the infirm may communicate. The second common and more probable opinion denies this, and those hold it with Busemb. as stated above (who asserts the opposite commonly rejected, but this unwarrantedly). 66. v. Resp. ad secundam n. 77.

Renzit. 1. de q. 4. et Lugo loco citato, nota n. 68. cum Naunai. Sylvio. S. Anton. Soto, et così risponde alla prima ragione dell'opposta sentenza. It would be responded to regarding the second point, that it is permitted for the dying person not to fast during communion, because in this case there concur both the ecclesiastical precept concerning fasting and the divine commandment about receiving Viaticum, which in such a case should take precedence. It is otherwise with the Priest, for he is bound by a single precept alone, namely not to celebrate Mass except on an empty stomach;

and he himself cannot violate this, so that the dying man may fulfill his precept, to which even the dying man is not bound in such a case, since through him it does not stand.

Neither hinders it to direct that a priest, conscious of mortal sin, can celebrate without previous Confession for giving Viaticum, just as well without fasting; then indeed the priest can dispose himself by contrition and thus remove the obstacle; but not fasting, since he cannot thereafter endure the obsecration in violation of the fast, hence he cannot avoid irreverence according to what is said in a similar case n. 262. D. 2. I deem the first proposition probable; but this second one seems more probable to me, unless (as rightly they say, 4th, c. 6, num. 21; 5th, art. 6, n. 3, and Escob., loc. cit.) the moribund could not be provided with the Sacrament of Penance or Extreme Unction; for in that case the Eucharist might be a Sacrament of necessity, so that from attrition there may arise contrition. But otherwise it should be said if the Priest were to be deemed obliged to celebrate before his death in order to give himself Viaticum; because then he could well celebrate not fasting and thereby satisfy the precept of the Viaticum, for then there concur in one person both the ecclesiastical precept and the divine precept which is to be preferred: Thus commonly with Busemb. c. Lugo n. 69. Renzit Question 4. et n. 78. cum aliis passim. 3.

If a serious scandal would arise from the omission of the Sacrifice, or of communion. Which nevertheless some think can hardly happen, namely, because scandal might arise by saying that the Priest has taken something by chance, and therefore be hindered. If after the Consecration a Priest remembers that he had not fasted, it is certain that he is not bound to abstain, nor can he desert the Mass, since the divine precept to complete the Sacrifice prevails over the ecclesiastical requirement of fasting. See lib. 10. c. 33. qu. 3. et Bon. d. 4. qu. 6. p. 2. nu. 19. qui cum Henriq. n. 70. n. 22. Bon. l. c. p. 1. nu. 16. Conciliarium tomo octavo pagina trescentorum sexaginta quattuor numero decimo.

Tourn. tom. 5. p. 482. q. 9. R. 3. et nu. 79. cum art. 6. ad 2., ubi ait: « Tutius reputarem, maxime in casu manducationis, quod Mis- sam inceptam desereret, nisi grave scandalum timeretur. » "But it is thought by S. and is probable that Sotus, Anglicus, ought never to cease from the Mass which he has begun on account of this reason for scandal, namely, because such an omission would nearly always be impossible without some scandal." On the contrary, Concina says that rarely can scandal arise in this matter. I prefer to say with Tournely that scandal can always be feared unless the celebrant is noted or at least presumed to have probity. "I said scandal: because it signifies a disturbance or inconvenience which will follow," for

example, if he were to first take something before celebrating, not sufficing [the note of preparation] (unless grave circumstances should be present). Croix n. 583. cum)® 288. — « 4.

If the perfection of the Sacrifice, or of the Communion be demanded. "What can be done in five ways." I. If for species of wine he has taken water (which if he perceives, while he still has it in his mouth, is not to be expelled on account of the danger of ejecting a fragment of the host and irreverence, but rather to be swallowed, sacrif. lib. 2. Chapter 8. Card. de Lugo d. 15.) And the same is correctly said n. q.) For then it is again held to be consecrated ® (both materials) ® which can also be accomplished by consecrating and offering immediately, without a new host: ® (As Scotus says, p. 2, n. 545.

At the rubric of the Missal numbered 5, it teaches that both opinions (namely, whether one should consecrate a new host or can do so only with wine) are probable if he celebrates publicly. See among [the authorities] . (With Conin., With Gob. according to Croix l. 6. p. 2. n. 535. qui tamen cum Pasq. et Avers. dicit consecrandum esse aliud vinum, quando prudens adest dubium; nisi diu alia materia esset expectanda, ut n. 536. See what is said in no. 206. v. As regards. » II. If the celebrant fails after the Consecration: for then he is bound by the 5th and 6th canons "another, even one who is not fasting, if he cannot be considered as fasting, shall complete." III.

If after Consecration even one species is remembered to be non-jejunum: he is bound to proceed; or rather he can also proceed if before Consecration it is remembered and without scandal and note cannot desist, for instance in Solemn Sacrifice, as the doctors teach from a. 6. It is taught commonly 6 (See what has been said in no. 262. Doubt 1.) IV. If after the "ablution" has been taken, even though a long time has passed before Communion is distributed, the remains and even greater portions of the consecrated species from the same Sacred Species are to be consumed; 6 (As stated in n. 86 with consent.) 6 what I add is because it is not then permissible to take particles of another Sacrifice which are in the ciborium, to cleanse that, as they teach in §. 8 from Marchi f. 3 p. 3 c. 3. If it is permissible to use those of the same Sacrifice, if that one has been entirely completed and you have withdrawn from the altar, they should be kept until they are taken by fasting: E. 6. g., if several Masses were to be celebrated on the same day without ceasing, and the Sacrament was not usually reserved, then it would entail less irreverence to take them than to reserve them. But Card. de Lugo d. 14. p. 4. n. 82. et Gran. non damnant Sacerdotem, qui priusquam sacras vestes exuit, particulam inventam absumit, eo quod non sit Communio nova, sed complementum

præcedentis. "de Lugo, Escob. ll. cc. V."

If after the washing (ablutionem) a part of the host should adhere to the calix or palate (which is more properly repelled by a new ablution than by a finger, as Bonaventura explains in Filius and others, although the Missal permits it to be drawn with a finger towards the lip of the calix and taken before the ablution): how much more are those excused who, out of devotion, retain the host in their mouth for some time and inadvertently press something against the ablution: yet this is not permitted spontaneously, unless good faith and holy simplicity excuse it. The reason for all this is because such a consumption morally is considered the completion of one Sacrifice. Reg. l. c. n. 123. Bonaventurae libri I de quibusdam specialibus et generalibus. Question 6, part 2. They say and c. 7, n. 81, a Croix l. 6, p. 1, n. 611, in fin.; but P. Zaccharia according to reference reports that this was the custom of the Cluniac monks.

Furthermore, it is licit to give even a healthy person washing with water or wine, so that he may be able to swallow particles and fragments which have adhered to his mouth, as Beneditus relates. XIV. concerning the Sacrament. Miss. l. 2. c. 22. in multiplis locis mos habet; quia ut communiter docent Lugo d. 15. n. 79 et 83 n. 21 p. 351 n. 75. Croix l. 6. p. 1. n. 573. et c. cum et Bon. quamvis ablūtiō prīùs dēglutiātur quàm hostiā vel hostiæ frāgmenta, hoc non obstat ieiūniō. Reason, because the violation is not considered morally preceded by Communion; for the precept of fasting is that nothing be taken before the reception of the Eucharist; but when with the washing and the reception of the Eucharist are united, then the integrity of that which is taken from the washing and fragments is taken in a single reception, whence it well verifies that the violation of fasting did not precede Communion. And thus on the day of Preparation the Church instituted that a consecrated particle be taken together with wine on the preceding day; and in the Rubrics no. 8 it is said that if a particle adheres to the cup, wine can be poured into it and consumed; Lugo adds in nos. 83 and 81 that wine can again be poured until the particle is consumed.

From all these things Lugo, in his dissertation number 79, calls a false opinion those who say that such a reception breaks the fast. All allow this fraction to not obstruct fasting according to the Church's precept. 289. — "One case is, in fear of death, from which one seeks to escape without an altar, or a consecrated chalice, or sacred vestments; so too it teaches that fasting may be observed." R. 48 et p. 5. t. 3. R. 39. dummodo celebratio non exigatur in contemptum Religionis, Ecclesiae, vel ejus praeceptorum. That which is permitted after meals out of fear of death, in secluded contempt, more Doctors admit than that; and besides this, they also

concede . 4. c. 8. n. 9. v. IV.

Case, and n. 82. with Ochag. But it is never truly licit to celebrate without sacred vestments, or without an altar, since this is intrinsically evil on account of the irreverence it would introduce into the Sacrifice; (see the discussion n. 377. dub. 2.) Nor for giving Viaticum; as correctly teach 3. c. 19. n. 6. and Lugo, and 6. p. 1. n. 61o. against Jordan. You might ask: why is it permissible to celebrate without fasting on account of fear of death, and yet not permissible without sacred vestments? Without doubt, I do not find a response entirely adequate to this difficulty; one could only respond that the Church has received the precept of celebrating with sacred vestments so rigorously that no dispensation is known to have been granted in any case; hence, vestments are considered something intrinsically necessary for such a great Sacrifice. However, the precept of fasting is not received so rigorously by the Church, since in many cases it permits communion without fasting, as stated in n. 284. Here it must be noted, that if anyone after eating has not slept, or is not digested, with respect to the precept of fasting, he can properly communicate, as they say in section 4, chapter 68. Juconius t. 7. p. 35o. et n. 11. cum .

Fill. Henry and others commonly, against 363. n. 15. Furthermore, sometimes it is fitting for one to abstain from communion due to a torpor of mind, as rightly stated by Tournely in tom. 5, p. 477, v. 3, and Concina loc. cit., according to St. Thomas, question 80, article 8, ad 5, where he teaches thus: "It makes no difference whether one has slept after eating or drinking, or whether the food or drink has been digested, in terms of the reason for the precept." Refert autem quantum ad perturbationem mentis, quam patiuntur homines propter indigestionem, aut insomniatatem, ex quibus si mens multum perturbetur, homo ineptus fit ad sumptionem hujus Sacramenti. However, I think this does not proceed if the wakefulness or indigestion has come about from a natural, reasonable, and honest cause, nor if the man endeavors to repel that disturbance, doing as much as he can to approach devoutly, as we have said of him who has been subjected to pollution; see n. 272 at the end. ## ARTICLE III. ## What, and how great is the obligation to receive the Eucharist. 290. Is communion in adults necessary out of necessity of the middle? (See also what is said in n. 192.) — 291.

Whether and when each one is bound to receive Communion in danger of death? — 292. What is to be done in the case of danger from vomiting, or in a state of delirium? — 293. Is Viaticum to be administered to children? See the other notable points among Busemb. — 294. On the obligation to communicate. — 295. When is a Divine precept obligatory, and when is an ecclesiastical one? — 296.

Doubt. I. How is the year of obligation to be computed? — 297. Doubt. II. To whom He did not communicate at Easter, let Him be communicated as soon as possible?

What if someone, in order to fulfill the Paschal precept and foreseeing an obstacle, anticipated the Communion? — 298. Dub. III. Who is prevented from participating in Easter must be forewarned? — 299. Doubt. IV.

Are the faithful bound to remove the obstacle, so as to satisfy for the Easter Communion? — 300. Concerning the obligation of communicating within the parish. Are Priests, Strangers, and Servants of Religious exempted? Is it by consent of the Pastor that others are excluded? — 301. Concerning the obligation of children to communicate during Easter. What.

I. Whether children are to be held responsible or can immediately communicate after the use of reason? Dub. 1. At what age are they considered obligated to receive Communion? Dub. 2. Should Communion be given to infants at the point of death? — 302.

Qu. II. Can communion be administered to the insane? — 303. Qu. III. To the Semi-Fools, Mutes, Deaf, and Dumb? 290. — « RESP. 1.

The consumption of the Eucharist by adult faithful is necessary a necessary obligation * (See entry 192 in the dictionary.) *, but rather by the commandment of Divine precept both at the article of death through the sacrament of Viaticum; and also often in life, as they teach and prove both from Scripture, and from canon 6. » but also from the practice of the Church, and because the Eucharist is instituted in the manner of food, whose use is often necessary. Bonac. d. l. q. 7. p. 1. n. 8. Whereupon he resolves: 291. — « 1. Each faithful person in danger of death, what he foresees, "either merits to fear it, for example, in a serious illness, before combat, or before childbirth, first and foremost, before navigation, etc.," is bound to communicate mortally.

Suarez, Vasquez d. 214. » (Thus Art. 104. num. 131. Antoine page 481. question 1. And quast. 3. with Tambur. and the common opinion.) Unless, however, to a few, for example, he had communicated eight days beforehand: such communion would be considered to have the reason of Viaticum, so as to teach against certain ones, according to 10. » diff. 2. etc. apud Dub. 3.) »: imò Sa, et Sylo. v. v. Communion, they think ought not even to be reckoned as mortal sin to omit it, provided that one has

received it during Lent.

» See said n. 279 at the end of the volume. He says.) 292. — 2. If there is danger of vomiting in a sick person, Sancius teaches this in volume 3. R. 55. to give him a small particle thereof is possible, which may not be thought to alter the stomach; or if this itself be in doubt for security's sake, first give him a non-consecrated particle, which if he rejects, under no circumstances is to be consecrated: but if he retains it, then proceed otherwise. If however he independently perpetually regurgitates, under no circumstances is it to be given, unless perchance he would have been free from vomiting for six salt hours. In dubio, an sumens sit particulare revomiturus, probabilius dicit Croix l. 6. p. 1. n. 552. cum aliis communius, non esse licitum communicare; (contra 14. cum Zambano, esse optimam praxim, ut detur infirmo antecedenter particula non consecrata ad expeririendum, si decenter possit inde sumere Eucharistiam.

If however a sick person is troubled by coughing, he can receive communion, because although the phlegm which he expels usually rises from the chest, it is nevertheless not a danger to reject sacred species, since the way through which it is expelled during coughing is not the esophagus or the food passage leading to the stomach, but rather an abrasive artery of respiration leading to the lungs; thus Croix number 554. with Palao and Gob. Now however, Croix rightly observes that a particle might descend into the stomach: for if coughing were so frequent as to prevent this, abstention from Communion would be advisable, as is stated in the Rite. Roman. Commentary is strengthened. 293. — "3. It is more probable that to children capable of sin, who know how to distinguish the Eucharist from other food, it should be given as Viaticum in danger of death, as Vasquez insinuates and explicitly teaches in section 40, chapter 1. This is confirmed by Cardinal de Lugo in dissertation 13, section 4, note 38 with notes 12 and 13. If there is doubt about the capacity of the child, it can still be given, even though it is not necessary. According to "4." Quis post sumptum Viaticum peccaverit mortale, non tenetur denuo communicare.

Tale est regula. Fill. n. 13. et n. 9. "However, it is nevertheless contrary to Sot." » Tab. et Arm. apud "5." He who has not communicated in the danger of death is not bound to do so later to make up for it. Thus Bonac. d. 4. q. 7. p. 1. ex Henr.

The judge is bound, speaking per se, to concede time to the accused for communicating, as teach common authorities c. and others, contrary to . Chapter 8. Question 11. Number 238. Otherwise, a handle would be given to the accused not to communicate, with reference to number 11. See

otherwise stated in n. 247. Add to these, St. Pius V, as stated in question 3. R. 1. disapproved the custom of not mincing the Eucharist for those condemned to the ultimate punishment.

And it ought to be ministered even to one who is not fasting, if need demands. See what is said at no. 283, doubt 3. Here however: n. 294. – Resp. 2. Although Christ did not command at a time outside the danger of sin: yet the Church has nevertheless determined a paschal time for Communion, which commonly remains from Palm Sunday, inclusive, to Holy Saturday; in some places it comprehends the entire Lenten season; elsewhere it is extended by custom or indult, and the Confessor can extend it on just cause, as teach S. and others. V. Good. D. 4. Q. 7. P. 2. ## From which resolution: « 1.

This precept is also fulfilled through Communion of the Sacrament of the Eucharist, as the common holds, against Durand and Syllo. And it is evident, because the Church has commanded only the external act, and it falls under the commandment only if it transgresses the commandment. (This, however, is a damage in proposition 55. from ImoC.) XI, quae dicebat: Per sacrilegam Domini manducationem satisfactio præcepti Communionis annuæ sufficit.) An vero qui non satisfecit teneatur postea implere, utrimque probabiliber defenditur, etsi affirmativa videatur probabilior, Bonac. c. Con. Card. de Lugo, etc., 295. — It is inquired when the faithful are obligated to communicate? Indeed, there are two precepts concerning this obligation: one Divine and one Ecclesiastical.

Divine law is understood from John 6: "Unless you eat the flesh of the Son of Man and drink His blood, you will not have life in yourselves." And by this precept we are bound to receive the Eucharist, not only in time of danger of death, as Bus. says, but also frequently in life, as commonly they teach on the subject of the Eucharist. DUB. II. ARTICLE III. 87 Sucar. 3. partium de divinis 69. secundum 1 et 3. Tourn. tom. 5. p. 359.

Escob. l. 20. nu. 401. with Salo, Thomas 3. p. qu. 80. art. II. Reason, because it is fitting frequently to take earthly food in order to preserve the corporeal life, so too heavenly food should be taken in order to preserve the spiritual life. Nay, they speak rightly, n. 16. with Lugo, Val. P. Salo, Tamen hoc dicit Suarez rarissime posse evenire, cum ad hoc sufficere possint alia remedia, orationes, poenitentiae, etc.; eo casu autem quo communio esset necessaria homo illam omittendo non peccaret contra illius praeceptum sed contra virtutem adversus quam tentationem patitur. Otherwise it is certain among all that, speaking generally, each person satisfies this precept by communing once a year. The ecclesiastical precept is held from the Lateran Council IV.

Licet enim erat olim obligatio communicandi saltem ter in anno, nempe in Paschate, Pentecoste et Natali Domini, ut statuit Fabianus Papa in can. 16. de Consecr. diss. 2., tamen ex præfato Concilio fideles hodie obligantur ad communicandum tantum semel in anno tempore Paschali, ut patet ex cap. Omnis, de Pacuit. et remiss. ubi dicitur: « Omnis. utriusque sexus fide- lis, postquam ad annos discretionis pervenerit, semel saltem » in anno confiteatur... suscipiens reverenter ad minus in Pascha » Eucharistiae Sacramentum; nisi forte de proprii Sacerdotis » consilio ob aliquam rationabilem causam ad tempus ab ejus- » modi susceptione duxerit abstinendum; alioquin et vivens ab » ingressu Ecclesiæ arceatur, et moriens christiana careat se- » pullura. This penalty, however, is incurred only after a sentence, as Palau says, p. 15, n. 14, q. 4, a. 3, n. 5, and others commonly gather from the cited codex text, 296. — Doubt I. How is the year of this annual obligation of communion to be computed? Others consider it to be computandum from January to December, as Lugo understands in d. 16. n. 69., and Palaus in tract. 23. p. 20. §. n. 10. with Vasq. But according to the common opinion of the Doctors and the practice universally received, time is computed from Paschate to Paschate, because it is considered that this is the ecclesiastical year. Therefore, his d. 36. s. 3. n. 8. . 5. tr. 6. c. 5. n. 8. q. 4.

Reply 1. Good. D. 5. Q. 3. p. 4. n. 10. cum . Syllogism et n. 38. cum Sa, Filius. Reg. and others commonly. The Paschal time begins from Palm Sunday and ends on Easter Sunday, according to the Declaration of Eugene IV in the Bull, Fide Digna, in the year 1440. However, according to custom, necessity, or privilege, more time is granted, as stated in Tournai, tom. 3, p. 663, qu. 2.

Lugo. d. 16. n. 62. . 15. n. 2. n. 17. et qu. 5. 297. — Dubitatur II. Whoever has omitted the Communion at Easter is to be most closely watched as regards receiving Communion? There are three opinions. The first opinion is more common, to which I subscribe, and which n. 45. 70. sect. 1. maintains. Therefore I say. Lugo d. 16. n. 65. pag. 310. v.

Besides, 15. n. 7. p. 663. q. 3. Bened. XIV. t. 3. Edict. page 42. Antoine, pag. 482. n. 8. Eibel t. 3. p. 103. n. 127. cum Hemo, n. 21. cum 5. p. 1. n. 644. cum Aversa, etc., absolute affirms, both from ecclesiastical precept, and from divine law.

From a divine precept, because although Christ did not determine this precept of Communion, He nevertheless left it to be determined by the Church, which subsequently determined that it should be observed at least once a year, as is explained in section 70, chapter 1, at the end; Gonet, loc.

cit., n. 1. Bon 7. 6. p. 3. n. 9. p. 540. v. But moreover, Croix n. 599. Antoine p. 382. n. 8. et . 162. And by ecclesiastical precept, firstly because the time of Easter is not assigned by the Church for the termination of obligation, but rather to solicit it: hence when an already contracted obligation has not yet been fulfilled, at what point it should be fulfilled; secondly because, as Gonet says on page 310. Lugo d. 16. n. 65. n. 7.

Tournely l. 3. p. 663. q. 3. n. 21. etc. The Church has imposed two precepts regarding Communion: one that it be received within a year, and another that it be received at Easter; as is gathered from the cited chapter Omnis, and from the canon where it says: "If anyone shall deny," all faithful persons are to be held annually at least during Easter to receive Communion according to the precept of the Holy Mother Church, anathema sit. Note each year at least in Easter; Therefore if Communion in Easter was omitted, it should be fulfilled as soon as possible before the end of the year. Dicit autem Lugo n. 66. et quod si quis onisit communicare in Paschate, non peccat quoties data opportunitate Communionem differt, sed tantum, si intra annum Communionem omittit; quia tunc praeceptum communicandi in Paschate non potest amplius observari; unde remanet sola obligatio alterius praecepti communicandi saltem semel in anno. But it is more probable that p. 663, q. 3, contradicts Axor. c. cum Secunda sententia, which Armilla and Tabiena hold according to sect. 2, v. 70. Others, and Renatus i. 2., pag. 547., qu. 3., distinguish and say, that if anyone shall have omitted Communion through malice, he is not bound to communicate at the first opportunity, because then he has already transgressed the precept attached to the time of Paschaltide; but he is bound rather, if through inability he was hindered from doing so, because then it is presumed that the Church consented to the delay, but did not wish to exempt a man from the obligation of Communion. The other opinion absolutely denies that one is bound to receive Communion in that year who has omitted it either out of malice or through inability; this opinion is held by many grave doctors, as Soto states in IV, d. 18.

ON THE SUBJECT OF THE EUCHARISTIC DOUBT. H. ARTICLE III. 89 qu. I. art. 4. Sa v. Euch. . 6. c. 18. n. 3. item Sylo.

Val. ap. tract. 4. R. 41, et probabilem putant Palaus pag. 15. numer. 6. numer. 13. cum Henricq. et S. tit. 9. c. 9. §. 3. ubi loquens de hoc casu, sic ait: « Non videtur teneri, quod patet ex similibus. » Omitting the "fast of the Church," who says that it is still to be supplied on another day? And the same applies to the violation of feasts, the omission of Mass, and other similar matters; for if it were true that necessity required one to commit many mortal sins in order to fulfill a single precept, thus the Church would ensnare souls with snares, which she avoids. Chapter Vileas 27. question 1.

The reason for this judgment is that the precept of Communion is affixed to the time of Easter, congruent with the precept of fasting, and hearing Mass is dedicated to vigils and feasts.

Whereas the congruity [of the precept] does not bind one to fast or hear Mass after the day of the vigil or feast, so neither is one bound to communicate after the lapse of the Paschal time. Unless (which is to be excepted) he has been hindered from Communion by the counsel of the Confessor, as others commonly hold; for this is expressly provided in c. Omnis, above cited. Authors however deny that this precept is twofold, namely to communicate in a year and to communicate at Easter; but they say that the Church imposed only one precept, attached to the time of Easter, after which having passed by, there remains no obligation to communicate. They likewise deny that there exists a divine precept for communing once in a year; for although there is an obligation to commune frequently during one's life, they say that the precept for communing once in a year is merely ecclesiastical; no differently than the precept to frequently worship God is indeed according to law and even divine, but the obligation to hear Mass on Sundays, as the Church has prescribed, is only according to ecclesiastical law, as they themselves carefully maintain. prae. c. 1. n. 28. with Soto, Cajet. S. Antonius... 2, q. 122, art. 4, ad 4, ubi ait: « Dicendum quod observantia diei Dominicae in nova lege succedit observantiae Sabbati; non ex vi praecepti legis, sed ex constitutione Ecclesiae, et consuetudine populi Christiani. » See the aforementioned at 1. 3. n. 265.

Among the doctors of the second opinion no one is found who adequately responds to this proposition; hence I do not think that this third opinion should be contemned, at least because from neither divine nor ecclesiastical precept does this obligation of communicating transacted Paschal time arise. Nevertheless, this being so, I do not wish to depart from the first sentiment. He says with Diana that if anyone has communicated before the time of Easter, foreseeing the impediment to communicating at Easter, and having in intention fulfilled the precept of that year, after the subsequent impediment ceases, he is not bound to communicate at Easter. But this rightly is not admitted by Lugo, d. 16, n. 77. Palaus page 15, number 18, and Antoine page 286, number 7, because intention cannot effect, 90 LIB. VI.

TREATISE III ON THE EUCHARIST. CAP. II. ut actus positus tempore quo nondum coeperit obligatio, sit satisfactorius: congruent qui praevidet die Dominico se impeditum fore, audiendo Missam die praecedenti ex intentione satisfaciendi cras-tinae obligationi, certe non satisfacit. - Id confirmatur ex Rituali Romano de Euch. ubi sic dicitur: « Aegrotis quoque

parochialis- bus etiamsi Communionem extra praescriptos Paschales dies » sumpserint, in Paschalibus diebus illam Parochus deferet ac » ministrabit. 298. — Dubitatur III. Whether one who is unable to communicate at the time of Paschaltide is bound to preclude this?

The first opinion denies this, and this is held by them. Section 70, chapter 2, at the end, page 347, note 57. §4, note 37. Bonaventura, d. 4, q. 6, p. 2, n. 15, cum Coniunc. Fill. Reg. q. 149. q. 5. cum tertiae sententiae in praecedenti quaestione, nam hoc praeceptum adlictum est tempori Paschali, quo non incepo nulla est obligatio. The second opinion, which is held by number 9. Lugo d. 16. n. 75. n. 8.

Habert t. 5. p. 599. q. 5. Eibel t. 3. p. 103. n. 127. Croiz l. 6. p. 1. n. 642. et Antoine p. 483. n. 9. n. 22. et p. 664. q. 5. dicit, quod si Communio non sit differenda ultra annum ab ulteriori Communione facta, non tenetur praevenire, cum antecedens illa Communio non sit impletiva praecepti Paschalis, et eamdem obligationem relinquat. On the other hand, if it should be deferred beyond a year from the last Communion given, then you would have to anticipate the Communion, both because of the divine precept that mandates receiving Communion once in a year according to the determination of the Church; and also because of the precept of the very Church itself, which imposes two obligations, namely, receiving Communion within a year, and receiving Communion at Easter as stated above. Wherefore, if the obligation of communing at Paschate cannot be fulfilled, at least the obligation of communing once in a year must be fulfilled. Hoc tamen secundum sententiam me valde probabilior videtur; sed advertendum est quod ipsa procederet tantum juxta opinionem illorum qui dicunt obligationem hujus annuae Communionis incipere a Januario et terminari ad hoc dicendum videtur nullam ei esse obligationem praeveniendi, qui praevidet non posse communicare tempore Paschali, quia (ut bene advertit P. . c.) talis Communio non esset adimpletiva praecepti; tempore quo fieret nondum inceperat tempus obligationis, cum nondum inciperet tempus annuae Communionis.

On the contrary, it is certain that, having taken hold of the time of Paschate, if one foresees himself as impeded from Communion, he is bound immediately to receive it, as commonly taught n. 25. 299. — Doubt IV. Whether the faithful are bound to remove impediments, that they may satisfy the precept of annual Communion? Commonly do they say, Lugo, d. 16, n. 17. Croiz l. 6. p. 1. n. 626. §. 4. n. 40. . 74. Diana page 5, treatise 9. ON THE SUBJECT OF THE EUCHARIST.

DUB. II. ARTICLE III. 91 R. 78. . 4. a. 2. n. 10. When; because communion greatly contributes to the salvation of the soul, hence its precept strictly

obligates one to remove spiritual evils which obstruct. They, however, hold that prisoners confined in a jail should not be bound to seek liberty so as to communicate. But it more probably contradicts. C. because it is more probable that this is a divine precept, according to what was said in n. 297-300. — « Resp. 3. » Any person is bound to receive Holy Communion at Paschaltide from his own Pastor in the Parish, unless such permission, privilege, or custom exempts him.

Nao. . 72. sect. 2. etc. » « (Ex cap. Vide dicta n. 295.) » « 1. The priest, wherever celebrating, satisfies. Good Day, Doctor 4, Question 7. page 2. (Ut commonly from custom they say Wigandt trans. 12. Note 48. Question 7.

Antoine p. 482. n. 3. et n. 29. with Sa,) « 2. Exiled are the foreigners and the homeless who do not have a Parish, or who are absent from it. Goodness. I. c. » (And thus they are such that they cannot conveniently approach to it. Nor then are they bound to communicate in the Mother Church of that town, nor in the parish where they happen to be staying, according to Sanchez de Matrimony, book 3, treatise 23.

» at n. 17. n. 31. See the aforementioned n. 240. If in Paris and seq. "3." Lay servants assisting Religious are not excluded, as stated in S. 32. » n. 12. » (See what is said in n. 240.

10. If they are.), » « 4. He does not satisfy this precept who outside the parish in Paschaltide communicates without the consent of the Pastor, as Naor has stated. » Azor and others commonly hold that this precept is satisfied, unless one communicates in the Cathedral church; for he considers this to satisfy the precept. I. c. but denies Cardinal de Lug. I. 1. res. mor. nisi Episcopus explicit- » e, vel tacite consintiat.

» (But the opinion of Bonacina is uncertain whether it is probable, unless there be some common usage in a certain place which makes it presumptive of the Bishop's consent; for sheep ought to be known by their own Pastor.) » See above c. 2 d. 2 a. 1 c. 2 and 6 d. 1 art. 1 cas. 7, 8 and 9. » "I have spoken without the consent of the Pastor: for by the consent of the Supreme Pontiff, or Bishop, or Ordinary, or his General Vicar, or Parochial Priest (for all these are understood to be included under the name of Pastor) outside the Parish communicating is considered to satisfy the precept by the teachers." And indeed, it is sufficient the consent of the interpreted one, or presumed one, (Provided that there be a moral certainty regarding the will of the parishioner, so that) as noted in c. 4, § 4. But Bonaventure in Theologia Moralis libri I, tractatus 5, quaestio 19. Beia, and indeed others among the c. et de Lugo d. 18. s. 2. n. 49. also t.

14. Reply 73. and see page 6, treatise 7.

R. 58. they think that the precept of Communion can be satisfied sufficiently. VI. TRACT. III. ON THE EUCHARIST. CHAP. II.

Paschalis (especially outside the day of Paschae), among the Mendicants, according to the privilege granted by Nicholas V, Paul III, and Paul IV, that others may participate. But this is commonly denied by others. » V. Acres. q. 10. sect. 4. When Diana as mentioned above, Beia 1:20 n. 441, hold that faithful people satisfactorily fulfill the precept by communicating in the Regular Churches and monasteries, through the privileges granted to the aforementioned monasteries of St. Jerome by the aforesaid Pontiffs. But commonly and rightly this is condemned by Croix 1. 6. p. 2. n. 631. and n. 34 with Lugo, Fag. ; similarly also q. c. 3. n. 6.

Good and day 4. page 1. number 12. and with VII. Nunno, Collection anno 1486, at Farinaeus concerning can. 9 where it was said that those communing in the churches of Regulars minimally complied with the precept. Nor do the aforementioned privileges (of which Bus. has spoken) stand in opposition, for as the cited AA. say, since the Pontiffs have frequently declared that with regard to the always to be observed obligatory communion, the integrity of the rights of parishes must always be preserved, neither the aforementioned monasteries of St. Jerome nor other religious orders have ever availed themselves of these privileges, except for their own dependents. Whereupon Escob. I, c., holds that the opposite opinion is not practically probable. And truly our opinion seems to be approved by common usage. 301. — Boys baptized who are deprived of reason and perpetually insane, perceive a genuine increase of grace by receiving the Eucharist; because this Sacrament suffices for receiving its effect in grace. Thus.

Con. . with n. 6. However, for greater reverence of this Sacrament, the Latin Church rightly prohibited that it be given to infants, as is evident from the common sense of the Church according to S. 80, a. 8. V. Catechismus de Euch. But it is asked. I.

Whether children as soon as they have the use of reason can be admitted and should communicate? The first opinion affirms this, and such is held by S.T., 14. c., 12. §., where he says: "When (the boy) is capable of guilt, that is to say, when he can mortalily sin, then he is obligated to the precept of Confession, and consequently of Communion, which are given together." They likewise say Saintly Doctor d. 26 and 1. 20 n. 243. Probable, Diana ponders p. 3 tr. 6. R. 70. with Tab. Reason, because since such children are already capable of committing a mortal sin and

disposing themselves to absolution through due sorrow, they are also made capable of Communion, to which less is required in terms of rational discretion. The second, however, is the more common and probable opinion, which denies this, and this is taught by p. d. 70. s. 1. v.

But to be expected, no. 57, no. 3, nu. 11. Antoine p. 491. v. Boys, Croix 1. 6. p. 2. n. 646. n. 16. cum Vasq. Soto, chapter with the ratio concerning the subject of the Eucharist. DUB. II.

ARTICLE III. 63 The common use of the Church thus interpreted the obligation of this precept, both so that children receive the Eucharist with greater reverence and fruit, and also so that they themselves are not easily exposed to the danger of transgression. Et quamvis obligentur ad Confessionem, non ideo tamen tenentur suscipere Eucharistiam, quae est majoris excellentiae et non tante necessitatis. Nor does it hinder the chapter Omnis 12 de paenit., where it is said that every faithful person, after reaching the age of discretion, is bound not only to Confession but also to Communion; for the years of discretion are understood respectively with regard to the nature of the matter: namely, when one has reached the age of discretion for Confession, he should confess, and when he has reached the age of discretion for Communion, he should receive Communion. But it should be noted that some supporters of this opinion maintain that such children neither ought to nor can receive Communion, because (as they say) the Eucharist cannot be given to those who are not capable of communicating worthily. Others, however, as [c.] says. Then, when Soto and . and Croix l. c. say more probablistically, that children are not to be held bound to communicate immediately after acquiring the use of reason, yet they do not prohibit them from approaching the Eucharist, always teaching them to discern this heavenly food from the profane; then, as says . p. q. 80. art. 9 ad 3.) « Because they can conceive some devotion, it is not » this Sacrament to be denied to them.

"This is confirmed in the last chapter." Case 26, Question 6, where it is said: "To whom the Sacrament of Penance is granted, there ought not to be denied the Sacrament of the Eucharist, if he desire." But this is doubted i. When are children deemed obligated to communicate? Soto in his works at chapters 12 and 13 perceive this obligation to commence from the age of 12; because (as they say) at that age children are bound by ecclesiastical laws. But this is commonly rejected, as we said regarding Law I, number 155.

Hence commonly the Doctors say, speaking regularly, that children are not bound to Communion before the ninth or tenth year; nor is it deferred for them beyond the twelfth year; as they feel, c. et c. 18. cum. Antoine et

Croix ll. cc. Hicque notandum id quod praescripti S. Ca- rolus Borromaeus (in Synod. Dioces. IX.) "Parochi illos qui decennium attigerint, accersant instruant ad cognitionem Eucharistiae, doceantque quam reverently ad eam accedant." It is regularly said that children can more easily be obligated, for as the Authors observe, they who are found more perspicacious before such an age can more readily be obligated. Whereby rightly is criticized Regulation 5.

Parishes, who indiscriminately do not admit to Communion, except boys constituted in a certain age. They say, however, in no. 57 and Croix in no. 646, that although children may be admitted to communion at the age of ten, yet they are not bound by this themselves, but only when they have been warned by the parish priest or parents. Dabitur 2. Communion to be given in a state of mortal peril. VI. TREATISE.

III. ON THE EUCHARIST. CHAP. II. Concerning boys who are capable of reason? The response is negative; this is so because the same danger of irreverence exists, and also because such is the usage of the Roman Church. Thus commonly S. Th. loc. cit. item Caj. . etc. with n. 7. And whoever acted otherwise would gravely sin, as noted in n. 8. with .

But to boys who are already of sound reason, in the last extremity of life, not only can Communion be given, as n. 57 and Cajetan at Wigand's tractate 12 n. 46 say, but also it ought to be given, as is most commonly taught by s. 1. Lugo distinguishes in the thirteenth distinction, number thirty-seven, number three, and number eleven. Wig. loc. cit. p. 345. n. 43. p. Dixi 2. Antoine p. 581. Escob. l. 20. n. 244. et n. 15. cum Henr. et idem docet Bened. Chapter XIV of the Seventh Book of the Decrees of the Council, chapter 12, note 3.

Reason, because on one side children are constituted in such a perilous situation by divine precept to communicate; from another side, the utility of the Eucharist then does not specify a greater disposition. 302. — Question II. Is communion to be administered to the insane? Perpetually must communion be altogether denied to the insane, as all say with S. Thomas, in the Third Part, Question 80, Article 9, in the Roman Ritual on the Eucharist, where it is said: "It is not permitted to communicate to the insane or phrenetics"; yet if they have intervals of lucidity and piety, it will be permissible while they remain in that state; provided no risk of indecency arises therefrom. Gobatus however, in book 4, number 135, holds that communion can absolutely be given to other insane persons who have not always lacked the use of reason, but now do so, provided they are in danger of death. But in this, we must follow the doctrine of St. Thomas, loc. cit., where he says: "If previously, when they were in their

right mind, devotion to this Sacrament appeared in them, it should be given to them at the point of death this Sacrament, unless perhaps there is fear of vomiting or evacuation." » Nearly the same thing taught the Catechism c. 4. n. 69, saying: « To the insane also, because then they are alienated from the sense of piety, it is least fitting to give the Sacraments; although, if before they fell into madness, they brought with them a pious intention of their mind, it will be permissible for them at the end of life to receive Eucharist according to the decree of the Council of Carthage, provided that no danger of vomiting or any other indignity and inconvenience is feared.

Hence it suffices that such a sick person has lived piously, as is rightly said in n. 7, page 345, n. 46, and n. 9 with . sag. Council. Damage, etc. Reason: because on one hand it is presumed that such an invalid seeks to receive Communion, on the other hand this Eucharist may still be necessary for him, namely if he had fallen into madness while being in a mortal sin from which only attrition had been received; yet the DDs ibid. n. 11 presume nevertheless that such a person fell entirely without qualification into such madness. Moreover, under no circumstances is the Eucharist to be conceded to the insane, according to n. 11 of the same document and common 303. — It is questioned III. When the Eucharist is to be conceded to semifamished, mute, and obtuse individuals. Response is given that to the semi-faithful, the Eucharist should not be conceded in any way.

AS IT IS A SACRIFICE. DVB. I. 95 per ac sciant distinguere hunc coelestem cibum ab aliis; tantum in articulo mortis et tempore praecepti danda est Communio. Thus n. 4. Wig. tr. 12. n. 37. et num. 12. cum (contra qui concedunt toties quoties). Idem agendum est cum Mutis et Surdis a nativitate, modo ex signis constet eos discretionem habere, ut idem et imo recte ait quod si isti sint praediti non qualicunque discretione, saepius possunt communicare. But to the mute, deaf, and blind from the moment of birth, communion is altogether denied; but communion with epileptics is denied only during the seizure; as Eblel n. 98 says.

The same rule applies to those possessed by a demon, when they are not self-composed. Moreover, with regard to other matters, according to the teaching of St. Thomas, question 80, article 2, ad 2, they rightly say that the Eucharist should be granted multiple times in a year, according to the prudence of the Confessor, since it is a special remedy for driving away demons; hence Cassianus (in the passage cited) says: "For those who are tormented by unclean spirits, Communion has never been remembered as forbidden by the Elders." ## CAPUT III. ## ON THE EUCHARIST AS A SACRIFICE. ## DOUBT I. ## What is the Mass, and what obligation do priests have concerning it. 304. Definition of the Sacrifice of the Mass. Not.

I.

How is the Sacrifice defined in general? Not. II. How are the sacrifices distinguished? And how does the Sacrifice of the Eucharist contain all those things? And in what way does it differ from the Sacrifice of the Cross?

Not. III. Is the Mass truly a sacrifice? — 305. What constitutes the essence of the Mass as a sacrifice?—306. Is it necessary for the essence of the Sacrifice to require the Consecration of both species? —307. Who are the offerers in the Sacrifice of Mass? — 308.

For whom can Mass be offered? — 309. Dub. i. For whom can Mass be offered for excommunicated persons? Dub. 2. Concerning the unbelievers? — 310. Dub. 3.

Whether for the Dead? — 311. The effects of the Sacrifice of the Mass are four. I. Remission of sins. II. Remission of penalties.

III. Increase of grace. IV. Impetration of goods. — 312. On the value and fruit of the Mass. Does the Mass have an infinite value?

And whether the fruit of the Mass depends on the worthiness of the Celebrant? — 313. Concerning the obligation of celebrating which priests have. Dub. i. Do they themselves at some time hold themselves bound by the grave precept to celebrate? Dub. 2. How often are simple priests bound to celebrate each year?

How often are Parish Priests? And how often are Bishops required to celebrate in a year? — 314. On the daily celebration of the Conventional Mass. — 315. On the obligation of saying Mass at the proper time for the accepted remuneration. — 316. Whence the necessity is to be noted concerning the origin of the stipend. — 317. What.

I. May it be permitted to a priest receive payment for Masses? And whether he sins gravely who principally celebrates Mass for a stipend? Yes. II. How does a priest sin by causing a celebrant to be deferred?

And what sparingness in dismissal is deemed moderate? What if the Mysteries are handed over to the Community? What. III. Whether a priest sins gravely by omitting the sacred promise for a small reward? Qu.

IV. What if the Mass is a gratuitous promise? — 318. May a stipend be

received for the application of the fruit of the special promise? And whether it is permissible to receive more stipends for one Mass? — 319. From whom, and how is the stipend to be taxed? — 320. Dub. 1.

Are Regulars bound to observe the tax of the bishop? Dub. 2. May a Bishop prohibit the reception of a greater stipend than the tax of the bishop? Dub. 3. Whether a stipend less should be received? But he who has received less, can he diminish the number of Masses?

Dub. 4. Is it permissible to agree upon a stipend? Dub. 5. How is the stipend for the Masses that the testator left should be taxed? — 321. It is not permissible to celebrate [the Mass] through another, retaining a part of the stipend. It is excused I.

If a salary is given with regard to the person. Excipitur II. If another Priest truly and spontaneously forgives a part [of the sin]. It is excused III. Beneficiary, chaplain, and priest obligated by a legacy left to them during their lifetime. — 322. Dub. 1.

He who retains a part of the salary shall be bound to restoration? And to whom is it to be restored? Dub. 2. What about the Procureur or Executor of the testament? Dub. 3. Whether he who collects alms can retain a portion as remuneration for his labor?

Dub. 4. Can the stipend of the Mass greater be commuted with masses lesser? Dub. 5: Can administrators of churches retain anything for expenses? — 323. On the obligation of Beneficiaries and Parishes applying Masses. — 324. Qu. I.

To whom should Masses be applied by Beneficiaries, and Chaplains of Nunneries or Confraternities? What if the capital foundations of the Benefice or Chapel are unfruitful? Qu. II. On what days are parish priests required to celebrate Mass for the people? — 325. See what is sanctioned by Benedict.

XIV. upon the Mass of the Parishes. — 326. On the Conventional Mass. — 327. On the obligation of celebrating votive masses with promises under stipendium. — 328. Of the obligation to celebrate at the place and time designated by the founder.—329. What if the Bishop dispenses? And whether a prescription can be given for exemption from the obligation of celebrating Masses at the designated place and time by the founder? 330.

Regarding the obligation of the Beneficiary to celebrate prescribed Masses

and to celebrate by himself. — 331. On the reduction of Masses. Can an Bishop do that? And whether he can moderate offices and append annual alms to anniversaries? — 332. Can a Beneficiarius sometimes celebrate Mass for his own kin or friends, or omit the Mass out of reverence? — 333. Whether a chaplain who is ill is bound to have another satisfy for him in regard to Masses?

Of thirty Gregorian Masses. Is it permissible to receive stipend for the first Mass which the newly ordained priest celebrates with the Bishop? (Remissive ad n. 82g.) But moreover). 504. — « Resp. The Mass is a Sacrifice consisting in the consecration of bread and wine; that is to say, an act of latria, performed in recognition of the supreme dominion of God, and as a sign of our servitude. Which does not prevent it from secondarily being able to be offered for another partial final cause, such as giving thanks, or petitioning for a benefit, for the remission of sins, for honoring saints, etc. It should be noted first that in general Sacrifice is: "An offering made to God through the alteration of some thing, as a sign of supreme dominion, by legitimate institution." So commonly.

It is said. Offering for a genus, in which it does not agree with other offerings. Made for God, because to God alone, and not to saints in the Eucharist. AS IT IS A SACRIFICE. DUB. I. 97 The sacrifice is offered.

Through the alteration of some thing, for alteration indeed distinguishes the Sacrifice from other offerings. In signum summorum domini, nam tali signo significamus, ita à Deo, tanquam su-premo domino, nos et nostra destrui posse, sicuti res oblata immutatur. By reason of legitimate institution: This institution however requires three things, that the Sacrifice be made by public authority, in the name of the whole people, and by the Priest as legitimate Minister. Nota II. Sacrifice is divided in part as regards matter, form, and end. According to the part of matter, it is distinguished into Victim, or Offering, in which something animate is offered; into Sacrifice, in which something inanimate but solid is offered; into Oblation, in which something liquid is offered.

According to the aspect of Form, it is distinguished into Holocaust, in which the whole, which is offered, is consumed by fire: Sacrificial Victim for sin, in which that which is offered is partly consumed by fire, partly by the Priest: Peace Offering, in which that which is offered is partly consumed by fire, partly by the Priest, partly by him who gives. According to the aspect of End, it is distinguished into Latria, which is offered merely in honor of God: Eucharistia, in thanksgiving for graces: Propitiatio, or Expiation, for remission of sin, guilt, or punishment: Impetratio for obtaining goods from God. Sacrificium autem Eucharistiae in lege gratiae

institutum (quo omnia antiqua Sacrificia cessarunt) omnium rationes illorum perfecte continet: Est enim Holocaustum in recognitionem divinae excellentiae; est Eucharisticum in gratiarum actionem; est Impertariorum gratiarum per merita Christi; est Expiatorium peccatorum, quia per illud Deus ad misericordiam movetur; estque Missae Sacrificium incruentum idem profecto ac Sacrificio cruento Crucis, non solum quia eadem persona offeritur, sed etiam quia eadem est formalis ratio Sacrificii, cum offeratur in protestationem supremi Dominii, quod habet Deus vitae et mortis. Therefore, the sacrifice of the altar, as Triduum says, does not differ essentially from the sacrifice of the Cross, but only accidentally in respect to the manner of offering, namely because i. In illo Crucis intercessit mors realis, in hoc intervenit mystica. That was offered through the very Redeemer on the altar of the Cross, this is offered by the ministry of priests.

That was a merit, because there the price of our redemption was redeemed; but this is not a merit, since here only the merits of Christ are applied. III. Notandum certum esse et de fide, quod Missa est vere et propriè sacrificium, et à Christo institutum quoad id, quod pertinet ad essentiam sacrificii: per consecrationem enim et per sumptionem, ut infra dicitur, mystice mactatur Christus, et sic habetur immutatio ad sacrificium requisita. Thus in c. 1. and Can. 1. 3 and 4. 305. — Question Nonehfc I. In quo consistat essentia Sacrificii Missae? This is a great question among the Doctors. For there are indeed many opinions.

The first opinion states that it consists solely in the mere taking; because in that alone is found the destruction or alteration of the victim; and thus Pignatelli hold in their Proprietario, and Alb. Magnus, Lod. 5. LIB. Sixth. TREATISE. III.

ON THE EUCHARIST. CHAP. III. and others according to . p. d. 74. s. 5. in the beginning. The second opinion says that it consists in the offering, since the Sacrifice is nothing other than an offering; thus 10. cap. 19. and Sot. and 1. n. 142. and lib. 6. p. 2. n. 12. The third opinion is more common, teaching that it consists solely in consecration, and thus those hold . 75. sect. 6. Gonet, p. 331. 7. pag. 414. concl. 6. p. 496. Habert t. 5. p. 642.

Res. 3. Juvenin. vol. 7. p. 366. concl. 4. Frassen. to. 11. p. 352. Conc. to. 8. p. 424. n. 6. n. 305. q. 2. Cross l. 6. p. 2. n. 13. and n. 14. with St. Anthony. Lug.

Reason, because in consecration all things are required for the Sacrifice, namely the offering which is already made in the act of offering, just as

Christ also offered Himself to God the Father both at the supper and on the cross not by words but by deed: there is also the destruction or alteration of the victim, since through the word the body is now separated from the blood of Christ. This opinion is indeed very probable and more common, but to me it seems more probable the Fourth Opinion (although I adhere to the Third), which Bell. 1. holds near the end. Tourn. in Prcl. theol. to. 8. p. 371. d. 13. q. 1. Bonaventura, dissertatione quartae, quaestio ultima, paginis duae, et alii ap. Judge. This judgment states that the essence of the Eucharist consists partially in the consecration and partially in the consumption; for in the consecration the victim is placed, and in the consumption it is consumed.

Reason 1: because a true and real Sacrifice requires and demands a true and real destruction of the thing offered, which is not achieved except through the assumption by the Priest, whereby the sacramental essence of Christ is destroyed. Nor does it hinder to say that in the consecration there already exists the mystical death, and insofar as real death is not had, this is due to the natural concomitance, whereby the blood and soul of Christ cannot be separated from the body. For it must be answered that if that natural concomitance impedies death, it also impedes the Sacrifice, which is not consummated without true and real destruction. Reason 2. because if destruction did not occur through assumption, it would follow that the Sacrifice would take place in heaven, not on the altar; for in order that a Sacrifice be made on the altar, it is necessary that the victim first be placed there intact, and then destroyed. When however in the consecration of bread only the wordly flesh is separated from the blood: it follows that there must be presupposed a destruction already accomplished in heaven, where Christ remains whole. Nor does it hinder to say that although by virtue of the words alone the body is separated from the blood, yet on account of the concomitance Christ remains whole and comes, and thus mystically is destroyed; for one will respond that this would be by chance, not by nature; but since the Sacrifice (as the authors of the third opinion suppose) is brought about by virtue of the words alone through the separation of the blood from the body, it is necessary that Christ whole also come to be by virtue of the words alone before being destroyed.

However, their adversaries say that the oblation, although it does not regard the essence of the Sacrifice, nevertheless regards its integrity, so that the Priest may partake of the thing offered. Wherefore the rubric of the Missal (title 10, no. 3) thus admonishes: "If" the priest is gravely weakened or dies after the consecration of the body, but before the consecration of the blood, or even both consecrated, the Mass shall be completed by another priest in that place where he ceased; and in a case of necessity, even by one not a priest. And the same is taught by S. Th. 3. p.

q. 83. art. 6. ad 1. ex Con- cil. Tolet. Seventh. inc. Nothing. cause. 7. what.

I. 3 0 6. - It is asked whether. And the essence of sacrifice requires secrecy of both species. The first proposition negates what the consenters maintain. Turn. tom. 5. p. 1 2 4. with Major. Adriano, Ysamberto, etc., et ad Bonaventuram, IV, q. ult., p. 2, n. 7, cum Henry. Drawn.

Nugno etc., considers probable Croix 1. 6. p. 2. n. 1 5. The reason why, in the consecration of the species of the body and blood of Christ, it is believed that both the death of Christ and his life are represented at once —namely, when the word is broken, there being only flesh and blood, or blood and flesh; and when the death of Christ is signified; then also, as they say, through consecration and reception of the species of the body, it already has the oblation and the sacrifice of the victim, which suffices for the essence of the Sacrifice. However, according to the common and more probable opinion, it is affirmed, and thus it stands. p. d. 7 5. s. 6. v. I say 2. Tourn. in Prolect. 1. 8. p. 3 7 6. Lamenting Book d 19. exn. 106. cum communis, ut asserit titulus p. 2. n. 6. et favet D.

Th. 3. p. q. 80. ad 12. ubidicit: "Repræsentatio Dominicæ Passionis agitur in ipsa consecratione, in qua debet corpus sine sanguine consecrari." The reason for this is that the Sacrament of the Altar should be more commemorative of the bloody Sacrifice of Christ on the Cross, as it is declared: "Christ has offered His Body and Blood under the species of bread and wine, 'that He might visibly leave to His Church a Sacrifice which (note) was to be perpetually offered on the Cross.'" » And if at any time such a quantity of species were consecrated, even though bread and wine were placed in body and blood, and let it be thought that there is reception of the action, yet not would it express the flow of blood, which does not occur with any one of the species in consecration, however properly it signifies separation of blood from the body, according to what is said. Cyrillus: By the word of the sword is the blood separated from the body. Here too one must advert to what is contained in the Rubric of the Mass (tit. 4): "The matter which would be appended, on account of a defect—whether it be bread or wine, could not at all be retained if this were before the consecration of the body; but after the consecration of the body, or even of the wine, a defect in another species is discovered, and the other already consecrated, then only can the matter have some mode of being retained, proceeding thusly, and the Mass must be completed; yet let not the words and signs which pertain to the deficient species be omitted." That is why, if it can be expected to be offered after a while, it merits being expected, so that the Sacrifice may not remain imperfect.

Hereby it is noted that Gao and thus this, namely, that, if it should happen

very difficultly to retain the species deficient in some way, and notably thereby arise a scandal to the people, the Mass ought to be absolved, because its natural necessity to be avoided prevails over the divine positive law intended for the integrity of the Sacrifice. g8 LIB. VI. TRACT. III. ON THE EUCHARIST. CHAP. III. and others according to . p. d. 74. s. 5. in the beginning.

The second opinion says that it consists in the offering, since the Sacrifice is nothing other than an offering; thus Jo. cap. xvii., and Sot. and I n. 142., and lib. 6 p. 2 n. 12. The third sentiment is more commonly taught to consist in the sole consecration, and thus they hold it . 75. sect. 6. Gonet, p. 33i. Continues. Turn to: 7. page 414. conclusion 6. page 496. Habert t. 5. p. 642.

Resolution 3. Juvenin. vol. 7. p. 366. concl. 4. Frassen. to. ii. p. 352. Conc. to. 8. p. 424. n. 6. n. 305. q. 2. Cross l. 6. p. 2. n. 13. and n. 14. with St. Anthony. Lug.

Reason, because in consecration all things are required for the Sacrifice, namely the offering which is already made in the act of offering, just as Christ also offered Himself to God the Father both at the supper and on the cross not by words but by deed: and there is also the destruction or alteration of the victim, since through the word the body from the blood of Christ is now separated. This opinion is indeed very probable and more common, but to me it seems more probable than the Fourth Opinion (although I adhere to the Third), which Bell. 1. holds near the end. Tourn. in Præl. theol. to. 8. p. 371. d. 13. q. i. Bonaventura, dissertation 4, question ultimate, page 2, and others say it. Judge. This judgment states that the essence of the Eucharist consists partially in the consecration and partially in the consumption; for in the consecration the victim is placed, and in the consumption it is consumed.

Reason i., because a true and real Sacrifice requires and demands a true and real destruction of the thing offered, which is not achieved except through the assumption by the Priest, whereby the sacramental essence of Christ is destroyed. Nor does it hinder to say that in the consecration there already exists the mystical death, and insofar as there is not real death, this is because, by reason of the natural concomitance, Christ's blood and soul cannot be separated from the body. For it is replied that if that natural concomitance impedies death, it also impedes the Sacrifice, which is not consummated without true and real destruction. Reason 2: because if destruction did not occur through assumption, it would follow that the Sacrifice would take place in heaven, not on the altar; for in order that the Sacrifice be made on the altar, it is necessary that the victim first be

placed there whole, and then destroyed. When however in the consecration the bread comes to receive merely the word of separation from body and blood: it follows that there must be presupposed a destruction already accomplished in heaven, where Christ remains whole. Nor does it hinder to say that although the body comes per se by the power of the words separated from the blood, yet on account of the concomitance Christ remains whole and comes, and thus is mystically destroyed; for it will be answered that this would happen by chance, not per se. But since the Sacrifice (as the authors of the third opinion suppose) is per se effected by the power of the words through separation of the blood from the body, it is necessary that Christ whole also come per se by the power of the words before being destroyed.

However, their adversaries say that the oblation, although it does not regard the essence of the Sacrifice, nevertheless regards its integrity, so that the Priest may partake of the thing offered. Therefore, the rubric of the Missal (tit. io. n. 3) thus warns: "Si" the Priest is gravely weakened or dies after the consecration of the Body but before the consecration of the Blood, or both consecrated, the Mass shall be completed by another Priest in that same place; and even in a case of necessity it may be fulfilled by one who is not a cleric. And the same is taught by S. Th. 3. p. q. 83. art. 6. ad 1. ex Con- cil. Tolet. VII. in cap. Nihil. caus. 7. Question 1. n. 306. — Quæretur II. Whether concerning the essence of the Sacrifice there is a concealment of both species.

The first opinion denies what is held in book 5, chapter 124, along with question 4 of the last part, chapter 2, note 7, and along with Henry 6, chapter 2, note 15. The reason is, firstly, because through the very consecration of one species the whole Christ is placed and offered, and at the same time already represented as the death of Christ, when by the words laid down only the body without blood, or the blood without the body, which signify the death of Christ; secondly, because, as others say, in the consecration and reception of one species there already exists the offering and slaying of the victim, which is sufficient for the essence of the Sacrifice. The second however opinion is more common and probable, and this they hold. I say page 376. Lugo de Buch. d 19. ex n. 106. cum communi, ut asserit tit. p. 2. n. 6. et favet p. q. 80. ar. 12. ad 3. ubi dicit: « Representatio Domini Passionis agitur in ipsa consecratione, in qua non debet corpus sine sanguine consecrari. » Therefore, the reason is that the sacrament of the altar ought to be commemorative of the bloody sacrifice accomplished by Christ on the cross, as declared in canon 22, where it teaches that Christ offered His body and blood under the species of bread and wine, "so... that His Church might visibly leave behind a sacrifice which would represent (note) that bloody one once performed on the

cross.

Wherefore if only one species were consecrated, even though the words might put forth a body without blood, or even though by assumption the slaying might be held to have taken place, nevertheless the effusion of the blood would not be expressed, which is done only through the consecration of both species, by which properly is signified the separation of the blood from the body, according to the saying of St. Cyril: By the word the blood is separated from the body. Here however it must be noted what is contained in the rubric of the Mass (tit. 4): "If the matter which would be apponendable, on account of a deficiency, whether of bread or wine, could not in any way be had before the consecration of the body, further proceeding should not be made; but if after the consecration of the body, or even of the wine, a defect is found in the other species, and one already consecrated has been found to lack, then if it can in no way be had, there must proceed, and the Mass must be absolved, so that the words and signs pertaining to the deficient species may be omitted." That is why, if it may be expected for some time to come, it should be awaited, so that the Sacrifice does not remain imperfect. Here Gaonatus notes this in his chapter 10, question 6: that if it is extremely difficult to have the deficient species, and a notable offense would thereby arise against the people, the Mass must be absolved, because the natural right to avoid an insult prevails over the positive divine law of completing the Sacrifice. 100 LIB. VI. TRACT.

III. ON THE EUCHARIST. CAP. III. 307. — It is part of the faith that Christ the Lord be the chief Priest offering in the Sacrifice of the Mass, as commonly the Doctors with Saint Augustine have stated in chapter two. After Christ, ministers of this Sacrifice are priests who alone have the power to consecrate and offer the body and blood of Christ; and they consecrate, even if they be heretics, degraded, etc., according to 23. c. 1. The whole Church is also said to offer the Sacrifice through the Priest, as many say according to Croix n. 19. After the priests, all faithful ones offer the sacrifice mediately through the hands of the priests, in threefold manner indeed.

I. Totam Ecclesiam etiam dicunt offerri Sacramentum per Sacerdotem, ut multi dicunt apud Croix n. 19. In a general manner, namely through the priests, who, by offering the sacrifice as public ministers, are also said to offer for any faithful person. II.modo generali, nempe per Sacerdotes, qui, offerendo Sacrificium ut publici ministri, pro quocumque fideli dicuntur etiam offerre. More specifically, by seeking that priests celebrate Mass for themselves. III. Assisting at the Sacrifice. 308. — It is also certain that this Sacrifice can be offered for all baptized faithful living, even infants, or

those in danger of death, or sinners not excommunicated, so far as regards only the fruit of the impetration.

However, in order to avoid offering this Sacrifice for an excommunicated person, a legitimate Priest can privately offer Mass, as it is an act proper to his private person, and not on behalf of the Church, nor as minister of Christ: according to c. de Sent. ex n. 9 cum 309. — But there is doubt whether a Priest can lawfully pray or offer Mass on behalf of the Church, or as minister of Christ, for an excommunicated person tolerated? They deny chapter 2, note 19, because they say that the Church entirely excludes excommunicated individuals from participation in suffrages; for the Council of Constantinople did not grant anything to them themselves in Ad evitanda nihil, but only showed favor to others, so that they might be able to communicate with those tolerated as excommunicate. But the opposite opinion is more probable, which Lugo holds in dispute 19, note 187. Croix num. 34. cum, quidem nihil indulgere excommunicatis toleratis, tamen conceditur fidelibus communicarecum illis, etiam in divinis, secundum dicendum de Censur. 1. 7. n. 164. It is doubted whether the Mass can be offered for unbelievers? They deny chapter 2, number 18.

Nam efficiens a sacrificii, ut dicunt, non est communicandus his, qui non possunt communicari sacramenta. However, they more probablistically affirm that the effect of the Sacrifice is communicated according to Lugo d. 14. 178. et Bellarm. 19. Then because in the old law Judas used to offer sacrifices for the nations, as in I. 1., where it says: “We must remember your sacrifices which we offer”; and thus celebrating more conforms him to Christ who offered himself for all; for the dead who are in Purgatory, it is certain that Mass is offered licitly and beneficially, as teaches D. Thomas ar. 9., and this is confirmed by c. 22., where it is said that “the Sacrifice of the Mass is not only offered for the necessities of the living faithful, namely their sins, penalties, satisfactions, and other needs, but also for the dead in a fitting manner according to the tradition of the Apostles.” And again in Can. 3 it is said: "If anyone shall say that the Sacrifice of the Mass profits only him who offers it, and not both for the living and the dead, for sins, etc., let him be anathema." » You will ask whether the Mass profits the dead by the infallible promise of Christ? Canus, Sotus et Corduba negant.

But more truly and commonly they affirm. 79. s. 10. and themselves. Soto, Fag. 26. v. 28.): Hic est sanguis meus novi testamenti, qui pro multis effundetur (in textu Graeco legitur effunditur) in remissionem peccatorum. It is confirmed by the words in which the Presbyters ordain: "Receive the power to offer Sacrifice to God, and to celebrate Masses both for the living and for the dead in the name of the Lord." Amen. "Will you ask whether

the Mass for the Dead profits the dead more than the Mass for the Saints?" Saint Thomas responds.

Suppl. qu. 71. art. 9. ad 5. dicens: « Ex parte sacrificii oblati aequale prodest defuncto, » de quoquomque dicatur; sed ex parte orationum magis prodest illa, in qua sunt orationes ad hoc determinatae; sed tamen iste defectus recompensari potest per majorem devotionem vel ejus qui dicit missam vel ejus qui jubet dici vel iterum per intercessionem sancti cujus suffragium imploratur in missa. 311. — Concerning the effects of the Eucharistic Sacrifice. I. Ex parte Sacrificii oblati æqualiter prodest defuncto, de quocumque dicatur; sed ex parte orationum magis, prodest illa, in qua sunt orationes ad hoc determinatae, sed tamen iste defectus recompensari potest per majorem devotionem, vel ejus qui dicit Missam, vel ejus qui jubet dici, vel iterum per intercessionem Sancti, cujus suffragium in Missa imploratur. The effect is the remission of sins; concerning which it is queried whether this Sacrifice remits mortal sins immediately in the attrited man, as an instance of the Sacrament of Penance? Gassalius affirms in book 2 of his work on the Sacraments. Masses; but it must be held otherwise, namely that the Mass does not have the virtue of remitting mortal sins immediately per se, but only has the power to implore assistance for penance, by which sins are remitted, as Bellarmine commonly teaches in 1. 2. de t. 8. p. 484. . 79. s. 3. et 4. q. 3. n. 8. ac n. 3. cum.

Th. in 4. d. 12. q. 2. art. 2. q. 2. ad 4. ubi ait quod Missa « peccata mortalia delet non » congruit causa proxima sed in quantum gratiam contritionis im- petrat. And it is proven from the Twenty-second Session of Trent, Chapter 2, where it is said: "By the offering of this (sacrifice), the Lord placated and, through His satisfaction, grants grace and the gift of penance, even great crimes and sins are remitted." Therefore God is immediately placated through this Sacrifice, and thereafter moved to grant the gift of penance, by which sins are immediately eradicated. It is confirmed by reason, because the Sacrifice of Mass is offered by Christ the High Priest, who now cannot satisfy, since He is no longer a wayfarer and therefore cannot merit, but only intercedes for us and implores graces on our behalf. The same is to be said concerning venial sins according to St. Thomas, loc. cit., qu. 1. ad 1., and Con. Vasquez, lib. 102. VI.

TREATISE. III. ON THE EUCHARIST. CAP. III. et (contra Canum et Valentiam, qui volunt venialia remitti per se virtute Sacrificii.) Quia, cum venialia sint quaedam maculae animae, propria voluntate contractae, non tolluntur sine pia animi actione, quae venialibus illis repugnet. II. The effect of this Sacrifice is per se immediately to remit the punishments of sins to just men for whom it is offered; thus commonly 79. s. 6.

Assertio prima. Novena. Undecima. Wigandt tr. 12. n. 81. R. 4. et n. 11. cum Naoran. . 3. p. q. 79. ar. 5. ubi ait quod hoc Sacramentum, in quantum est Sacri- ficium, habet vim satisfac-tionis. And it is evident from 25 c. 1, where it is stated: "Souls detained in Purgatory are benefited potissimum however by the acceptable sacrifice of the altar through the suffrages of the faithful." Another way by which the dead cannot be helped is through immediate remission of penalties. III.

The effect is an increase in grace. Regarding which it is inquired, whether the Mass Offering itself, by its very work and operation, confers this increase? They affirm Leandr. Card. et Mach. But it must be denied with Article 79, Section 4, Number 5 and Number 13 who quote Vasquez. Therefore more accurately it should be said that through the Mass aids are obtained for completing those acts by which grace is increased.

IV. The impetration of both spiritual and temporal goods has been effected for the benefit of these souls, according to chapter 2. See n. 15. 312. — "The principal fruit of the Mass from the work performed is independent of the worthiness of the Priest by whom it is offered for all, whether living or dead, even with an accepted stipend; and it is both intensively and extensively finite in effect; although the Host itself and the principal offerer, that is Christ, are infinitely grateful to God, so that thereby God is honored with infinite honor through this Infinite Sacrifice, yet it seems that the will of Christ is such that it be offered and profit only for a certain and finite effect." Which is also evident from the use and sense of the Church, since Masses are repeated for the same purpose: this being a sign that it does not have an infinite effect. 4. Question ultimately part four. It must be noted that there is one value and another fruit of the Mass.

Value is that effect which the Mass has by reason of the dignity of the one offering and of the thing offered, for conferring goods upon the offerer, and for those for whom it is offered. The fruits are the goods themselves which God confers in view of the Sacrifice. Wherefore value is distinguished from fruit, as cause from effect. Notandum duo. The fruit of the Mass is distinguished in three respects; namely, it is distinguished 1. with regard to the cause, that is, with regard to the work performed and the worker. The fruit from the work performed is that which is conferred through the view of Christ's merits and His promises; whereas the fruit from the performing work is that which is conferred through the view of one's own merit and the devotion of the celebrant.

It is distinguished 2. according to the part of the thing in merit, satisfaction, and intercession, according to what was said above at number

311. It is distinguished 3. in general, specific, and most specific. The general fruit obtains for all living and dead faithfuls. Celestial (called medium or ministerial by others) obtains for those to whom it is applied as well as for assistants and co-workers who provide vestments, lights, offerings, etc. The specialissimus, however, obtains solely for the Priest. Here however a very great and contentious question arises among the Doctors, whether the infinite Sacrifice of the Mass has an intrinsic value? There are two opinions present.

The first opinion states that the value of the infinite Mass sacrifice has both an intensive and extensive finite act, such that when applied to many it is less beneficial for each individual than if applied solely to one. So as stated above, according to Scotus in his Quodlibetum 20, nu. 20. S. Bonae in quarto distinctorum quarundam in quadraginta quintodecimo articulo tertio ad ultimum gregem septimus. Reply 2 and Palud. Rich. Major, etc., number 38.

The same is explicitly taught by Soto in the 4th question of the 13th distinction, part 2, article 1, where he says: "Because intention (of the Priest) belongs to the essence of the Sacrifice, even from the work itself there responds a certain and measured degree of satisfaction, and therefore the more it is distributed to many, the less it comes to each one." Different authors employ different reasons for this proposition: Some, because the value of the Mass is not taken from what is offered, but from the very offering itself, or from the action of the Priest offering, which certainly cannot be of infinite value; for they say that Christ is not properly offered in the Sacrifice of the Mass, but only remotely, inasmuch as He instituted it to be offered through priests. But this reason is commonly rejected, and justly so, firstly because, according to chapter 1, the offered sacrifice from a wicked priest does not become thereby equally defiled by his wickedness; nor does it receive any limitation from the limited offering; secondly because it is certain that in this sacrifice Christ is at once both victim and principal offerer, as is evident from the Council. Postea. IV. Can. 3. where it was said: In the Church Christ Jesus is both Priest and Sacrifice.

And more clearly from c. 2 where it is stated: "For one and the same" is the victim, who now offers with the same ministerial priesthood that He then offered Himself on the cross in the act of offering alone different. Others, however, employ this reasoning, because although the Mass in itself and as regards the sufficiency of its value is infinite, yet as regards its effect it is limited by the will of Christ, who instituted this Sacrifice that it might produce a determined effect (independently of human disposition), whether it be a degree of satisfaction, even though the efficacy of the

offering can increase according to greater devotion on the part of the offerer or for whom it is offered. And this opinion seems to be favored by Distinction 45, Question 2, Article 4, Question 3, Answer 2, where it is said: "Although the virtue of Christ, which is contained in the Sacrament of the Eucharist, is infinite, nevertheless the effect to which that Sacrament is ordained is determined." » Hence the Holy Teacher has said in article 4, question 2, article v. But on the contrary, it is less probable that opinion be asserted which says that prayers offered for one person do no more benefit him than those offered for others who are more deserving; thus saying: "If therefore a prayer offered for many were only effective for individuals, and if it were to be offered only for one, it seems that the Church should not have instituted that Mass or prayer be offered specially for someone singularly, but rather that it should always be said for all faithful departed, which is manifestly false." The reason for this is that 104 LIB.

VI. TRACT. III. ON THE EUCHARIST. CAP. III. The necessity of confession is confirmed by the prohibition of the Church, which forbids that one sacrifice suffice for many who are seeking the Mass. Hence, the Priest who has received stipends from many [people] cannot justly offer a single Mass for them; which he could certainly do if the Mass were celebrated equally for all and one; but this was prohibited by the Church, which said: "It is not against justice to receive stipends for many sacrifices, and to offer a single sacrifice."

The second opinion, commonly received today, teaches that the value of the Mass is infinitely intensive and extensive as regards sufficiency, by reason of the infinite dignity of Christ, who in this Sacrifice is both Victim and principal Offerer. It is said to be intensively infinite insofar as it can produce a greater or lesser effect according to the measure of man's disposition. Extensively, however, quatenus potest producere effectus infinitos et juvare ita uni soli ac infinitis hominibus. And the reason is, as (the Council of) Tridunton teaches, that although the Sacrifice of the Mass has been offered in a different manner, it is nonetheless the same as the Sacrifice of the Cross, which had an infinite value. As regards its effect, however, this Sacrifice is said to be finite; not indeed from its institution itself, as the first opinion states, because it was determined by Christ in it a certain degree of satisfaction, but from the finite capacity of those for whom it is offered, each of whom receives a more abundant fruit according to his own and the offerer’s disposition; similarly, the Sacrifice of the Cross was also a Sacrifice, although in the genus of satisfaction it had an infinite value, yet it did not actually produce any effect in us infinite, since it has the mode of a universal supernatural cause acting according to superior disposition: just as the Sacraments are efficacious, though they have an infinite power, yet they act actually limitedly.

Whereby according to this judgment the Mass equally profits many when applied individually, as if it were applied to one person alone.

Thus hold Gonet, Man. tom. 6. p. 336. Habert to. 5. p. 671. Juénez, tom. 7. p. 375. concl. 4. Petri to. 3. p. 512. q. 8. Pignat. in his Propitiatorium, l. 4, q. 11, tom. 8, p. 387. I say 2 and his Continuation to volume 5, page 743, page 427, note 3. Page 2, page 74, from note 220.

Wigand tract. 12. n. 78. n. 3. Croix book 6 page 2 note 42 with c. 3 note 40 with Cano, Cajetan. Nao. and others very many. And concerning this opinion it is clearly stated in part 79, question 5, where he says: "Although" this offering suffices by its quantity for satisfaction for every penalty, nevertheless a satisfactory offering is made on behalf of those for whom it is offered, or even on behalf of the offerers themselves, according to the measure of their devotion, and not for the entire penalty. » Nor does the Sacred Doctor contradict himself in the passages cited above; for where he says that the Mass has a determined effect, it is to be understood as a determination not from the part of Christ, but from the subject according to the measure of his disposition. Where, however, it says that the Mass applied to many is less beneficial for each individual, it does not speak about the Mass as a sacrifice, but as a suffrage instituted by the Church, which has a certain definite effect; and thus, since it is applied to many, it benefits each one less; for it is certain that prayers of the Mass instituted by the Church profit someone more if they are individually offered to him than if they are applied to many by the priest, as is evident from the Council.

Constantieni, ubi hic articulus Wiclefi damnatus fuit: « Speciales orationes applicatae uni personae per prælatos vel religiosos non plus prosunt eidem quam generales prosunt ceteris paribus ». Neither does it hinder that prohibition of the Church against receiving multiple stipends for one Mass. For it is replied that the stipend is not given as a price for the fruit of the Mass, but for the sustenance of the minister, as we said regarding simony in book 3, number 55. Wherefore, since he always has his own sustenance as a minister, there is lacking a title by which he might receive another stipend. It is replied 2nd, that when the opposite opinion is not improbable, the Priest cannot apply the uncertain fruit of a Mass to a certain stipend. Neither hinders it that if this opinion were valid, the Church would multiply Masses in vain; for it is answered (as we said), that the fruit of the Sacrifice is not received according to its own proper value, but according to the disposition of him to whom it is applied, and hence it comes about that as often they repeat the Sacrifices plurally for one, so plurally do they participate in the fruit.

This second opinion, speaking theoretically, seems more probable; yet because the opposite is still more probable, it is not permitted to the priest, while he receives a certain stipend from one person, to apply the Mass in general for that person along with others; unless perhaps under the condition, namely, that he does not thereby defraud him. Notandum hinc, quod Sacrificium Missae, in quantum pertinet ad fructum principalem, tam prodest si offeratur a malo Sacerdote quam a bono; cum valor Missae sit ex opere operato pendens ab meritis Christi: in quantum autem pertinet ad fructum precum, quae in Missa dicuntur, ipsae etiam valent factae a Sacerdote peccatore, quatenus hic orat nomine Ecclesiæ, quia Ecclesia semper est Deo grata; secus quatenus orat nomine proprio. Thus S. Th. 3. p. q. 82. art. 6. Hence Alexander the Pope said (Can. q1. causa 1. qu. 1.) « Priests the more worthy they are, the more easily for those whom they invoke are their prayers heard. » “Censet autem caput articuli 7. ad 3., quod si celebrans est excommunicatus, ‘quia est ab Ecclesiae unitate separatus,’ orationes ejus efficaciam non habent.” And I think it is more truly said; speaking of one who is excommunicated and is being avoided, with regard to question 3.

R. 2. n. 322. And n. 12. against n. 324. and Croix lib. 6. p. 2. n. 49. with Soto, with Aolia, and commonly held, it is to be otherwise treated regarding the tolerated excommunicate, because the Church permitting that faithful ones request Masses from him, consequently also permits that they obtain them entirely fruitfully. See n. 309. 313. — "Sacerdotes ordinariè peccant graviter, si non aliquoties in anno, saltem ter vel quater solemnioribus festis celebrent, nisi legitimè sint impediti." Ita Sylo. Reg. contra titulum 14. Resp. 19. item Cardinalis.

Of Lugo and 1. exped. comm. c. 6. who excuse even mortal sin, provided that they communicate at Easter, and there is no contempt and scandal: but rather, where excuses are made nevertheless, if Bishops have not given any dispensation. "This is doubted." Are priests bound under a grave penalty when they celebrate otherwise? The more common opinion holds that priests are subject to grave guilt when celebrating; see P. Q. 82, art. 10; 80, s. i.; 5, tr. 5, c. 3, n. i., n. i., p. 377. Holz m. p. 78. n. 338. p. 763. Eibel p. 125. num. 195.

Habert t. 5. p. 684. g. 9. p. 496. n. i. et n. 2. cum Vasq. etc., docet eos teneri tam ex praecepto divino quam ecclesiastico. The divine precept is confirmed from that Apostle (To the Hebrews 5): "For every high priest being taken from among men is constituted on behalf of men in things pertaining to God, so that he may offer gifts and sacrifices for sins." » Prob. 2. ex verbis Christi (Luc. 22.): Hoc facite in meam commemorationem. These words declare that the 22nd chapter indeed contains a precept,

saying: "To the apostles and their successors in the priesthood, this precept is given through these words: 'Do this in my commemoration,' etc. The ecclesiastical precept is confirmed i. from chapter Dolentes g. on the subject of Celebration. Miss. where the Innocent is. Thus he spoke third: "We refer to those who grieve, that not only some minor clerics, but also certain prelates of churches, spend nearly half the night on superfluous masses... There are others as well, who scarcely celebrate the solemnities of the poor four times in a year, and what is worse, they disdainfully neglect them: And if ever during such celebrations they happen to be present, their intention is outwardly to place themselves among the laity's colloquialisms etc. Therefore these and similar things are entirely forbidden under the penalty of suspension, strictly enjoining them through obedience that both the nocturnal and diurnal offices be diligently and devoutly celebrated together."

The reason for this judgment, which is offered: "Because each one is bound to make use of the grace given him when it was opportune, according to that (2nd Epistle to the Corinthians 6): We are exhorted not to receive the grace of God in vain." The opportunity for offering the Sacrifice is not merely attended to in comparison with the faithful of Christ to whom it is necessary to minister the Sacraments; but principally in comparison with God to whom this Sacrament is offered by consecration. Hence they refer to number 1 and the opinion of Caftani in the cited place. D. Thom. sentientis non peccare graviter sacerdotes qui nunquam celebrant, jussu S. Pii V expunctam fuisse ex ejus Commentario. The second opinion, which S. Bonaventura holds in d. 12. p. 2. ar. 2. q. 1., and Caje- tan in the cited place also, and Alensis and Victoria among the probable ones consider it to be true; and this is especially adhered to by Lugo in d. 20. n. 2., saying that the reasons of the first opinion do not at all refute it. The reason for this second opinion is that it does not pertain to a precept; not to a divine one, for that precept, "Do this," etc., is not given to individual priests, but to their community, namely, so that they may care, lest the offering of this Sacrifice be lacking in the Church of God.

In the text of the Apostle, Omnis namque pontifex, exprimitur tantum potestas quam singuli Sacerdotes habent sacrificandi, non autem obligatio. As for the precept supposed in c. Dolentes, Lugo responds 1: that the penalty of suspension regards only those who converse in the choir. 2. That punishment does not entail a grave sin, since it is not widespread but rather a sentence to be endured. That the text there concerning the celebration of Masses speaks only of Bishops of Churches. But as regards the reason for responding to Doctor Thomas, it could be said that from there no precept is inferred, but only counsel, according to the word of the Apostle, we are exhorted. And thus, from this opinion, many of its authors

do not exempt the Priest who never celebrates Mass in the year, even if he thereby privates himself and the Church from venial fault; but they do exempt him from mortal sin.

S. Pius autem dicit habuisse Cajetam expunxisse opinionem non ut falsam, sed ut minus probabilem et contrariam sententiae D. Thomae. Tamen his non obstantibus ego subscribo n. 43 primae sententiae ut longè communiori et tutiori: tanto magis quia ipse Lugo n. 13 ait Sacerdotem negligentem celebrare in anno hodie non posse excusari à peccato gravi ratione scandali, quia hoc esset signum male conscientiae. But n. 3., and From henceforth it is concluded, the opposite sentiment, at least on account of scandal, is hardly probable. He doubts. 2. How often is each year obliged to any priest to celebrate under a grave obligation? In hoc DD. valde discerepende sunt.

D. art. 10. thus writes: "Whence to the Priest, even though he may not have charge of souls," it is altogether forbidden to cease from celebration; but at least it seems that he should celebrate on principal feasts, and especially on those days in which the faithful were accustomed to communicate." These principal feasts, Soto explains in c. 1, are understood to refer to the Nativity. Of the Lord, Passover, and Pentecost, in which it is said that the faithful once used to be accustomed to communicate. But on page 378 he adds the Festivals of the Ascension, of the Body of Christ, and of the Nativity. Of the Virgin Mary, of the Annunciation, of the Purification, and of the Assumption. Möbesius p. 3. q. 21. et q. 10. sententia est, ut sit obligatus ad celebrandum singulis Dominicis et festis, præsertim solemnioribus. And the same is held by P. n. 1, saying: "By the same law whereby the faithful are bound to interest themselves in the Sacrifice, the Priests are bound to offer."

They gather this from 23 [of the Decretals], where it is said: "Let the Bishop take care that the Priests celebrate Masses at least on the days of the Lord and the solemn feasts." » » From these he says: « Many priests are suspected of grave sin, who celebrate Mass but once in a year. » Finally, other priests, following the much more common opinion, do not hold that they are bound to celebrate Masses only three or four times a year on the most solemn feasts, as Busenb. above, and n. 82 n. 1, with Soto and Rich. Mire. Syl. et n. 195. cum Soto, Gob. et Anacl. But . 80. s. 1.

Lugo d. 20. n. 13. n. 2. et n. 343. say that it suffices if they celebrate three or four times in any given year on whatever days; And this is not without reason, for it is probable that n. 44 agrees with Soto; This opinion conforms to the Decree of the Sacred Congregation Council issued in November 1696 (in title 5), where it was stated: «Whoever without just

cause three or four times in a year fails to celebrate, commits a mortal sin and can be punished by the bishop. » They nevertheless say: at least celebrate once each month; because all Religious, whether Monastic or otherwise, as it is prescribed in Clement 1. Neinagro, § sane de Statu Monac. (et idem dicitur de monialibus in cap. 10 de Reg.) tenentur singulis mensibus confiteri et prima Dominica mensis communicare nisi abstineant ex judicio Praepositi vel Confessarii. Sed ex hoc textu video induci obligationem tantum communicandi semel in mense, non autem celebrandi. Besides which, it is not unreasonably taught in partibus tertii, decimum septuagesimum, sedecim. I say that these Decrees do not clearly abrogate the precept, but merely counsel; for there it is said only: Let them come to Confession and communicate.

Whereupon in the margin there is noted the following from the Clementine Decretals: "The bishops and other superiors of monasteries shall diligently attend to this, so that they may admonish the monastic sanctimonial institutions in their constitutions (note) that at least confession of sins be made by the penitents each month, and that they receive the most holy Eucharist." Whereupon Suárez concludes: « Unless a special vow intervene, or unless it be constituted from the Institute of Religion, no such obligation is rigorous and binding under mortal sin. » » But the parish priest, he says more often than on Sundays and feast days. But others commonly and more truly say that they are bound to celebrate Mass only on feast days, in which the parishioners are bound to hear Mass; since these obligations are correlative, inasmuch as the people are bound to hear Mass on those days, the parish priest is bound to celebrate it. Naàarr. n. 135. n. 3. . 10. c. 24. q. 2 et 3. Barbosa in 23. c. 14. cum Graff.

Homob. Molf. . l. c. ubi dicitur: « Si autem curam habuerint animarum tam frequenter ut suo muneri satisfaciant Missas celebrent. » Therefore they sufficiently fulfill their duty if they offer so often sacrifices as the people ought to hear Mass. And to this sentiment, Blessed Benedict XIV also adheres in loco citato caput tertium. As regards however Bishops, Habert says in the same place and in the last chapter concerning the privilege of receiving the Eucharist. AS IT IS A SACRIFICE.

DUB. I. 109 leg. in 6. eos non decere ullam diem transigere sine Missa, remota rationabili causa: Sed advertendum quod textus non lo- quatur absolute de celebratione, sed vel de celebratione, vel de auditione Missae. 314. — « 2. Although in Cathedral Churches, Collegiate Churches, and Conventual Churches (where there is a competent number of Priests) a private Mass should be celebrated at least once daily, and another should be chanted, mortal sin will be committed by the Rectors of those Churches if they fail in this; as it is stated in lib. i., cap. 6., namely, that neither in

Collegiate Churches on a feast day falling into a privileged ferial day, for example. Watches, Four Seasons. » The solemn Mass of Lent or Rogation time may be omitted once on a feria following Nonae, ibid. from the Abbot. The conventual Mass, see sanctioned by our Reverend Father Benedict.

XIV. n. 326.) " 3. He gravely sins who is bound to offer the Missa Conventualem, yet applies the principal fruit thereof to others, because he thereby does them a grave wrong. 315. — « 4. Severely sins I. who, being obligated by justice to attend the Sacred Rite, delays it for a long time: because thereby he deprives another of a great benefit. Syllable. It is held in regulation law 23, n. 236, that this case is subject to restitution of stipend. Sacrificium law 3, chapter 1, section 1, paragraph 2. If anyone receives more stipends, » by which he can satisfy only after a long time.

Reason is the same, Sylo. Reg. Fernand. p. 3. c. 5. III. He who with his mind has promised to be bound by the Sacred, and does not fulfill it. Bonac. dub. ultim.

page 8. although it is probable that this is not mortal, as stated in lib. 1. dub. 5. See mis. Reply to the question. Item on page 4. Treatise 4. R. 106. and p. 6. t. 6. R. 6. and p. 5. t. 14. R. 81. ubi citat etc., affirmantes, quod qui pluribus Missam gratis promisit, possit unica satisfacere: quod tamen alii communiter negant.

316. — As regards the remuneration for Mass, this briefly notes certain prudently stated matters by our most erudite Pontiff Benedict. XIV In suis operibus de Synodo, de Missa, etc., olim fidelibus Sacerdotibus offerebant panem et vinum pro Sacrificiis; unde quod supererat in usum cedebat ipsorum Sacerdotum et Celerorum. Then was it permitted to offer oil, ears of corn, grapes, and similar things as well. Then also permission was given to offer money, which previously was not applied to the priests, but was sent to the chest for distribution in the sustenance of ministers and poor; but over time they have been entrusted to the priests themselves, that they may apply it on behalf of those who offer Masses. Which the Church has otherwise rightly approved against Wiclefsdas, who disapproves it; for as it teaches in 2. q. 100. art. 2. ad 2., "The priest does not receive money as the price of the consecration of the Eucharist," for that would be simony, "but rather as a stipend for his sustenance." And this is according to that 110 LIB.

VI. THE ACT. III. ON THE EUCHARIST CHAPTER III. The Apostles I. « Know ye not that they who work in the sanctuary do eat of the things which are of the sanctuary; and they who minister at the altar partake

with the altar. » But although this is the case, from this very thing there emerged greed on the part of the priests, who for this reason celebrated many times in one day: therefore, this Innocent prohibited it.

III. in c. You have consulted about the matter of celebration. Incorrect. But to this prohibition another inequity succeeded; for the priests in the same Mass consecrated as many hosts as there were almsgivers offering. But others read the Mass three or four times a day until the Offertory, and then repeated all the Secrets as many times as they had recited prayers, and finally completed one Mass with all the repetitions in the Collects at the end, just as they had done at the beginning; thus they received their reward according to the number of repetitions. They were called Bifaciatae or Trifaciatae Masses. But they have still been eliminated. Afterwards, several other errors intruded into the midst, which we refer to from chapter 8, number 318, and from chapter 10, numbers 321 and 317. — Inquiry.

I. Whether rich priests can receive stipends for masses? They deny that a rich priest can receive stipends for masses. Sylvestris et n. 500. quia stipendium traditur in sustentationem celebrantium; divites autem jam habent unde alantur. But commonly and rightly they affirm section 86, part 3. Lugod. 21. n. 18. p. 461. n. 4. q. 2. cum n. 2. n. 3. et Esc. l. c. n. 502. cum et aliis passim; et favet . 7. art. 10.

Reason, because today this is permitted by the universal custom of the Church; also because each worker (whether divine or poor) deserves his own wage, and as the Apostle says: "Has anyone ever fought a battle for wages?" 1 Corinthians 9:7. Corinth. 9. See the dicta. L. 3. n. 55. Qu. See the cited text. L. 3. n. 55. Whether, however, it is primarily simony to celebrate for the sake of remuneration?

It is more probable that it is denied. See what has been said before. Qu. VI. Question. II.

How does a priest sin by celebrating masses with delays and accepting remuneration? Indeed, he gravely sins if he delays long in celebrating Masses after accepting a stipend, as is stated in the Decrees of the Sacred Council issued on June 21, 1625, and by authority of the Urban. VII. those specially attributed, and from this everything is extended by P. La Croix lib. 6. p. 2. n. 63. And notably n. 68 it is read in the Decree, where thus the saints decreed: "Manuel and daily alms the priests may receive henceforth, if they have so satisfied the previously imposed burdens that they can take on any new burdens; otherwise, they must altogether abstain." But since it was sought whether those who have not satisfied the

burdens imposed upon them can receive new burdens, by the authority of the same Saint Clement and Urban (see in La Croix number 98 from where), it was declared that the Decretum is not to be understood absolutely, but rather that the priests are “able” to receive new burdens provided they can satisfy all within a short time. » But this doubt arises, as to how much time is understood by that modicum of time?

It is certain that a priest sins if he omit to celebrate Mass within a suitable time, which has been sought for some petitioned grace in view of urgent need, such as for a happy birth, to avoid danger, or to win a lawsuit. Reason, because (as well says Lugo d. 20. num. 45.), then the circumstance of time pertains to the substance of the thing petitioned; hence, having passed that time, they justly say q. 10. R. 2. et p. 6 q. 1. in fine, quod Sacerdos tenetur stipendium restituere, etiamsi postea celebraverit. Nisi sufficiere, si stipendium restituatur, sed insuper monendum esse eum, qui stipendium dedit, ut in tempore Missae apto omissis. It is certain that if anyone gives alms to you, so that you may celebrate in his behalf at the feast today, you commit a sin if afterwards you perform the sacred rite; although Lugo allows this to be done on tomorrow's day. It is certain 3. that you do not sin by delaying, if you have given alms and an impediment heard consents to the delay, as explained by S.C. loc. cit. in the response to number 12.

However, with these cases, Pierre spoke loosely in the city. VIII. A moderate delay of three loves, or six months, as Arriaga deemed. Nor do I consider an excessive delay of three months, whatever Pasqual may say. q. 965. Renzi c. 4. q. 50. et . Cel. §. q. n. 4. who wrongly cites in favor of this opinion Lugo. d. 21. n. 34. cum. for there Lugo approves the doctrine of the aforementioned AA., saying that the space of only two months is a small amount; and thus also Garzia thinks, c. 5. n. 57. and they gather this from c. Præsentium. Caus. 7. qu. 1. ubi Pastor absens à sua Ecclesia per duos menses non dicitur suiæ Ecclesiæ defuisse, et ex 23. c. 1. de Refor. ubi spatium duorum mensium modicum reputatur.

These parities do not satisfy me: nevertheless, it seems probable what Lugo says in paragraph 45, namely that a Priest who says the Mass promised within two months does not sin at all, and he also approves this opinion. But what he asserts to be common, saying: "One can receive stipend for two months' Masses," thus speaking, "As we previously said about prayer in the verse 'He deemed it fitting.'" Whereupon P. thinks reasonably that a delay of two months is not slight, according to the Declaration of the Sacred Congregation of the same Council published on July 17, 1655, which Bened refers to. XIV, (Notif. 56. n. 14.) ubi tamen dictum est: « modicum tempus » non debet reputari spatium duorum vel trium

mensium, sed intelligi infra mensem. » In the Missae pro Defunctis, they reasonably regard the dilation of one month as sufficiently grave, p. 13, n. 21. Esc. l. 21. n. 161. et ab hac sententia non dissentiunt Sporer, c. dum dicunt Missas pro Defunctis celebrandas citius quam pro vivi.

Tourn. however observes in the same place that, when Masses are entrusted to be celebrated by a community of several priests, then it is presumed that he who gives alms for many Masses wishes them to be celebrated sooner rather than later. This, however, is not to be understood as meaning that all the priests of that community should occupy themselves in satisfying such Masses; but rather that they should not delay for too long when it would be necessary, if those Masses were entrusted to one alone. Hence I say that then it is possible to distribute the whole number among the individuals of the community, or at least in the greater part thereof, if that community be more numerous; and having made this distribution, the entire community will be able to satisfy within so much time as was communicated to each one according to his own proportion for satisfying. For it is well said in no. 185 that those who commit these numbered masses can easily foresee that the community has other obligations. It is asked III. Si sacerdos omittere Missam celebrare conatus fuerit graviter peccans, si stipendium pro illa missa acceptum non fuerit materia gravis?

The first opinion denies it, and this is held by number 2. Sporer tom. 3. p. 142. n. 353. . 132. num. 217. Renzi. 1. 1. c. 4. q. 40. et num. 39. cum Henriq. Pell. Sanction, sed ex damno illato, quod in hoc casu per se non censetur grave, cum illud levi stipendio redimi possit; tum quia hujusmodi damnum spirituale non videtur grave in aestimatione hominum, cum ex omissione unius Sacri promissi non reputentur homines gravem injuriam pati. The second opinion, however, is more probable and is held by number 366.

Cross L. 6., part. 2., num. 154, cum Aversa, q. 10. R. 1., cum Passer. et P. Nao. l. c. Ratio, quia gravitas materiae hic probabilius est mensuranda non secundum ordinem ad stipendium sed ad fructum Missae, quem privatur eleemosynam tradens; cui ex hoc genere privationis certe gravis damnum infertur. Just as if you were to lead a poor laborer for a small stipend, so that he might open an access for rainwater to your field, it would not be a light cause of damage to you if he neglected to perform his work. Nor is it valid to say that such damage can be compensated for by a small stipend; for it could indeed be compensated if another who received the stipend were made aware of the omission of Mass; otherwise, if he remains unaware, certainly he will not be able to compensate for that damage. That such damage is nevertheless regarded by men as light, this is not

sufficiently proven; in itself it is indeed heavy. It is inquired about IV.

Whether then one sins gravely by omitting to say even one Mass gratuitously promised? They affirm, the Council on page 463, note 9. Naqarr. q. 40. on the same ground as above, because by such an omission a grave spiritual damage is inflicted upon the promisor. But they probably deny it Croix lb. 6. part. 2. n. 175. . 132. n. 218. . c. . l. 1. d. 6. n. 25. Diana part. 2. tract. 17. Reply to question number nine.

Here also, 142. n. 352. with Caj. Mol. et . ac Pell. The reason is either because a simple promise does not obligate to a grave matter, as they say here, 3. n. 720, which Cajetan holds. Bonn. 23. n. 36; saltem ut ait Lugo, nisi promittens expressè sub gravi se obliget. Or because, as Croix and Eibel say, he who promises one Mass is not deemed to impose a grave obligation upon himself. All, however, agree that he sins gravely who omits the Missal due to a vow or precept from the Prelate: because no one can doubt that this is a serious matter either in a vow or in a precept; see c. 5 n. 39. 318. — « 5.

If anyone gives a just stipend (that is according to custom or law, » it ought to be taxed as due, or if it is not, according to . Card. de Lugo d. 19. n. 250. Accordingly, si both gave only half a just wage, as against Vasquez de Lugo l.c., which has nevertheless already been prohibited by the Bull of Urban. VIII. V. res. 7. This however above all requires the two condemned Propositions to be turned away from .

The first number 8 said: "The duplicated penance can be lawfully received by the Priest for the same Mass, applying to the petitioner even the most special fruit corresponding to the celebrant itself, and this after the Eighth Decree of Urban VIII." The reason for the condemnation is that the application of the special fruit is very uncertain, for although chapter 4, note 151, and others (as Croix says in book 6, page 2, number 50, who considers it probable with Aversa and Sporer on page 12, number 255) state that the special fruit can very probably be applied; nevertheless, they deny this in note 18. Lugo, dies 21, n. 33, articulus 68, et alii ap. The Second Proposition of the damn. n. 10 said: "It is not against justice to receive stipend for many sacrifices and to offer one sacrifice; nor is it against fidelity even if by a vow I have promised and firmly confirmed the stipend which I will give for no other." Regarding the tax of just stipend, commonly do the Doctors say (see section 2, article ult., number 2). Croix lib. 6. p. 2. n. 126. et n. 4. ex Decreto S. C.) stipendium justi Missae non est quidem victus unius diei, ut dixerunt Sotus et Cajet.; nam sacerdos praeter actionem sacrificandi potest in reliquo diei se occupare in concionando, docendo, et similibus exercitiis licitis, ut lucretur integram

sustentationem; sed esse illud quod taxatum est a episcopo vel à consuetudine, vel saltem a viro prudenti, si desit taxa à consuetudine vel ab episcopo facta.

Thus it is said in the Council: "Conc. tom. 8. p. 460. n. 2. l. 3. c. 1. §. 1. n. 2. et n. 8. cum Coninch." Fill. Regularly and commonly, according to the Declaration of the Sacred Congregation of the Council (as found in Benedict). XIV, Notif. 56. n. 10.) published on November 15, 1608, according to which it was said: "Attention must be paid to the custom of the place, or to the Synodal Law, 5. » insofar as it is to be regarded: or rather, if less fitting, to be established by the Bishop as competent almsgiving within his jurisdiction. » 320. — Dubitatur hfc.

Whether Regulars are bound to stand at the command of the Bishop under a grave obligation? Naoarrus denies at the Concilium on page 461, note 3. Violates there, ibid., note 5. with Vasquez. Molina and others commonly, from the Decree. The Sacred Congregation, in its decree of January 15, 1639, thus sanctioned: "It is to be considered at the discretion of the Ordinary, according to the custom XIV cited, that for each Mass celebrated by Regulars in their churches, a tithe of the elee- mosynam should be paid." It is doubted whether a bishop can prohibit the celebration of Mass according to the rite and tax it at his discretion according to the custom of XIV loc. cit.

It is certain that a bishop or a suedo who taxes stipends does not prohibit what all faithful can give by right, and priests receive again, even if intimated, as commonly doctors teach. . According to Sab. c. 5. num. 5: It is certain that 2. priests cannot exceed the stipend, for this greatly would cause scandal. Thus likewise commonly: 8 6. sect. 2. et Bonac. l. cit. n. 9. cum Corduba, Reg. et alii. Otherwise, it cannot be prohibited that an offering be made spontaneously, as they teach in Lugo, Respondentia moralis, lib. 5, dubium 1, n. 8. His - located at the aforementioned reference . 2. chapter 4. n. 3 7. and Bon. number 1 1. with Reg. Poss. etc., ita decisum fuit a S. C. Concilium Tridentinum die 16 Ianuarii 1649 (apud Bened.

XIV, said. Notif. 5 6. n. 1 1.) against the Bishop of Pistoia, because he had promulgated this Edict prohibiting it, but S. C. responded: "It is not possible to prohibit this; therefore it must be moderated." It is doubted whether the Bishop can prohibit that priests receive stipendium less justly (note that below stipendium in Italy is argentum, or perhaps carola in our Kingdom): No, says Sotus de just. l. q. q u. 6. art. 1. ad 2. No. c. 2 3. n. 1 0 6. D. Thom. 2. 2. q. 102. d. r. 3.

But they more probably affirm. c. . 6. qu. 1. Reply 3. Bonaventura num. q. cum Reg. Card. etc. ac Be - ned. XIV, said. Notif. 5 6. n. 1 1. ex Declaratione S.

C. Concilium Lateranense de 16 Julii 1215, ubi dictum fuit bene posse episcopum prohibere et imponere penam celebrantibus prominenti quantitatem taedis. Reason, because it was somehow dishonorable for the Sacrifice of the Mass. Wherefore in such a case as this the Bishop prohibits it; altogether therefore the priests should be willing to obey: for one is subject to be willing to obey the Superior who has given a precept with a probable reason, as we have said. 1. n. 9. 8. v. What indubitably. Our opinion is not only probable, but also more probable by authority and reason. But what if by this prohibition a grave defect should occur in the sacrament; see the said. 1. 4. n u. 4 7. v.

Limitant. But if by this prohibition a priest should grievously sin against measure; see the dicta. 1. 4. n u. 4 7. v. Limitant. Casuistically, however, if a priest has already accepted a small stipend for celebrating Masses for one or more (whatever is said above with Soto, Con.). Lugo, etc.), non potest munera Missarum minuere, nec unam Missam applicare redibuis, quisingulis dimidium dederint stipendium, prout sanctivit Irunicus VII in Bull. cit., incipiente, Nuper et caetera (vide ap.).

Crois Db. 6. p. 2. n. 64.) where he confirmed the Decree of the Sacred Congregation of the Council issued by order of Urban VIII according to which it had been established: "For the celebration of Masses for many, stipends of any amount, whether received from one person or from several, or to be received in the future by servants and clerics, are mandated under the solemn vow of divine judgment so that the Masses may be celebrated absolutely as many times as is prescribed by the eleemosynary ration attributed." "This, however, is to be understood rightly, when the Priest knowingly accepted so many Masses for such a stipend; but otherwise if ignorantly, as correctly stated in question 4, article 2." The priest, however, who promised the heir to celebrate Masses for the deceased testator as soon as possible in exchange for a future payment, is bound to celebrate before the payment is made, in order to keep his promise, as well said by n 157 cum Tap. . Dub. 4. whether it is licit to agree on a payment for Masses? P. Concina denies absolutely in volume 8, page 462, note 6, that the Canons prohibit all agreements and conventions concerning the stipend for Masses; this is evident from chapter fin. of De Pactis, chapter Si nos of De Simonia, etc. On the contrary, it is commonly affirmed in book 2, chapter 35, number 48; in book 1, chapter 3, decree 11, note 8. Roncaglia de q. 2. pag. 208. cum eod. tit. c. 5. n. 1. cum Maldero, 1. lib. 3. n. 55. Reason, because although a

stipend is not given as the price of the Mass, yet it may be conceded on account of justice for the sustenance of the Priest, as teaches D., and this does not hinder that it can be drawn into a contract.

Neither do the cited Canons obstruct, insofar as they themselves have been abrogated by usage, as Lessius says, and: "In spiritual matters every pact illicitly ceases." And it is this alone that is condemned among contracts concerning the celebration of Masses by Obsero in his book "Celestial" 5. d. 18. n. 7., speaking about this text of the Council: not just requests, but rather unbridled extortions and importunate ones (namely excessive) are prohibited, which indeed savour of avarice. However, in such agreements, so far as possible, scandals should be avoided. Doubt is cast. How is the stipend for Masses to be taxed, which the testator has left behind? If the testator has not assessed a stipend for the masses he left behind, a standard stipend is to be assigned; but if the bishop assesses it according to the custom of the place in accordance with the decree of the Sacred Congregation of the Council as stated at 5., then, as Roncaglia says, the heritage will be either plentiful or tempestuous. 321. — « 6.

"He who has received money from another, in order that he himself may celebrate Masses or see to it that they are celebrated, speaking generally, can have a Mass said by an otherwise good priest for less than he received." "I have spoken." By itself; because Urban VIII, out of regard for the shamefulness of such requests, prohibited that from happening. » I have said two. Good; because, if through evil he seeks to care, the fruit is lost, which is from the work of the doer. See.

Card. de In Decreto S. C. Concilii approbato ab Urbano VIII, et confirmato ab Innoc. XII, (Vide apud) thus was it decreed: "Remove from the Church all damnable profit"; the same decree prohibits a Priest who has undertaken to celebrate Mass with a certain alms, from committing that same Mass for another person, keeping part of that same alms for himself. After this Decree, some even contended that it was licit to retain a part of the alms, having celebrated the Mass with it, asserting that this Decree had not been accepted. Therefore, the aforementioned Al. VII prescribed the proposition which said: "After the Decree of Urban," a Priest to whom Masses are entrusted for celebration may satisfy another through an intermediary, having received from him a lesser stipend, retaining the other part of the stipend for himself. Hence our most holy Father.

P. ut metu poenae facilius ab hujusmodi turpi quaestu fideles amoveret, praecepit Ordinariis, ut per edictum notum facerent: « quemcunque (verba sunt Epis- tole) qui... stipendia majoris pretii pro Missis celebrandis, » quemadmodum locorum consuetudines, vel Synodalia Statuta » exigunt,

colligens Missas, retenta sibi parte... eorumdem stipendiorum acceptorum, sive ibidem, sive alibi, ubi pro Mis- sis celebrandis minora stipendia tribuuntur, celebrari fecerit, » laicum quidem, praeter alias arbitrio vestro irrogandas pe- nas, excommunicationis poenam, Clericum vero, sive quem-cumque Sacerdotem poenam suspensionis ipsa facto incurrere, » à quibus nullus per alium, quàm per nos ipsos, seu Romanum Pontificem pro tempore existentem, nisi in mortis articulo con- stitutus, absolvi possit. However, they are excepted from this prohibition I. q. 8. R. 2. v. Secondly, when Passer. . Miss. lib. 3. c. 1. §. 5. n. 13. n. 15. with Dicast. and Diana, also Pas-qual. and Mendo in Croix lib. 6. p. 2. n. 133. (and it is probable that Vioa considers the said proposition condemned in point q. n. 8.), the case where someone would give a greater stipend, not so much with an eye to the Mass as to friendship; of poverty, gratitude, proximity, etc.; then the Priest can retain the excess by committing another celebration of the Mass. Hoc autem non admittit Croix l.c., nisi Sihephano dederit eleemosynam hunc suum specialem affectum verbis expresserit: sed haec limitatio videtur superflua, si ex circumstantiis moraliter constet eleemosynam præstitam intuitu personæ. They receive [or accept] II. 5. page 190. q. 7. c. v.

This. Vioa l. c. n. 7. et n. 14. casum quo Sacerdos, cui committitur celebratio, liberaliter et omnino sponte tibi condit excessum illud; tunc enim licite posses retinere; congruent enim ille potest totum remittere, sic et partem. However, this must be admitted to a very small extent, if you indicate a greater price received, and ask the Priest to remit it; or inquire from him whether he consents that you retain part; for then even if he agrees, you are not justified in retaining it; because this is contained in the aforementioned Bull of Benedict. XIV asseritur tanquam execrabilis abusus vetitus a pluribus Pontificibus, qui « decretum voluerunt (verba Bullae) nimirum à quolibet Sa- cerdote, stipendio majoris pretii pro celebratione Missæ accepto, non posse alteri stipendium minoris pretii erogari, etsi eidem Sacerdoti celebranti et consentienti (nota) se majoris pretii eleemosynam accepisse indicasset. » It is received III. Beneficiary who can properly entrust another Priest with the celebration of the Mass due for the Benefice, receives a suitable stipend according to the custom of the place, without transferring all the net fruits corresponding to the celebration of that day.

Ita communiter Croix lib. 6. n. 131. q. 8. R. 2. . prop. q. n. q. . 86. sect. 3. nu. q. et nu. 13. cum Sa, Vasq. And it is evident from the Decree of the Sacred Congregation approved at which place it was said, Decretum Urbanum «not to have lo-» cum, but rather to be sufficient that the Rector of the Benefice, who has the power to celebrate mass through another, grant to the celebrating Priest an alms congruent according to the custom

of the City or Province unless otherwise provided in the foundation of the Benefice. It is seen among the same regarding the movable chaplain, as they say, chapter 21, number 30, section 83, number 363, view. I said it with others; and on March 15, 1745, it was confirmed by the Sacred Congregation of the Council through a Decree that I myself observed, where it was stated: "Provided that certain annual revenues be assigned for a fixed stipend; and a Capellanus be permanently assigned; but otherwise, if such a Capellanus is provided with an allowance for each Mass to be celebrated." The same is allowed to him to whom has been committed the celebration of a perpetual Mass, as they say, q. Croix n. 131. cum Gob. et Pasqual.

And the same is said with Riccio, and 8. v. Thirdly, with S. and others, concerning the Priest to whom is committed the celebration from a generous bequest, left to him for life together with the burden of Masses. The reason for all this is that the Decretals prohibiting the retention of part of the stipend speak only of manual masses. These, however, rightly note Croix n. 132 and n. 15, that if a more generous alms is given to a particular Priest forewarned by fame of his singular piety, he himself also will not be able to commit another Mass to the same person unless similar probity exists, or unless some cause excuses it. This however says the Council that it should not be considered a mortal sin, because such a great fervor of devotion is not commonly found as to induce a grave fault from the variation in the celebrant; but Croix more appropriately states this, namely that it is not easily to be condemned as a mortal sin, but rather may sometimes happen beneficially, for someone to bear it gravely when Mass is celebrated by another, and then it will be a mortal sin. 322. — It is doubted whether he who retains part of the stipend, according to the condemned proposition above, not only sins, but is also bound to restitution. The first proposition denies this, and those maintain it: sectio 88, num. 9; et Bonaventura, de decima quarta, quaestio ultima, pungens paginam 8, num. 18; cum Sa, Possevius, et alii, and they do not lack probability in that proposition, question number 6.

Reason, because by receiving the stipend he acquires its dominion; and although he acquires it with the burden of saying Mass, yet to this he sufficiently discharges himself through another. The second opinion is to be held, which previously they thought otherwise, Tr. 14, res. 10, and Escob. lib. 22, n. 621, with Major. in dict., prop. q. Corrella ibidem, n. 64. Cross [or Croix] book 6, page 2, number 135. Sporer page 146. note 369. Concilium tomum octavum paginis quadringentos septuaginta quatuor numeris decem et numeris trescentis sexaginta quinque quaestio septima. Mazotta tom. 2. p. 429. considers this at least more probable. c. contra Bordon.

The reason is derived from the very condemned proposition: for since it itself said that a priest could be satisfied by another, retaining part of the stipend, it follows that the true proposition is contradictory, namely, that he cannot satisfy; but satisfaction does not merely regard the integrity of the act, but also justice; therefore, whoever does not satisfy the obligation of justice is bound to restitution. The second reason, which more strongly urges, is this: although by receiving alms a priest acquires their dominion, yet he acquires it otherwise than not according to the will of the giver; for the will of the giver is that the Mass be celebrated, but that it be celebrated with such compensation; for when he gives a generous stipend, he does so with the intention of receiving a more abundant fruit from the celebration of the Mass. Therefore, whoever, by offering less compensation, has another celebrate the Mass on his behalf sins against justice, not because he deprives the almsgiver of the fruit of the Mass, for the fruit he already receives from his previous pious disposition; but because he does not fulfill the intention of the giver, who wishes that that Mass, from which he receives the fruit, be celebrated with such compensation. And since this kind of intention enters into the substance of the contract, therefore if the priest retains a part of the stipend unjustly retains it contrary to the will of the giver. To whom therefore ought restitution to be made in such a case? Croix l.c. cum Pasqual. dicit posse fieri vel donanti eleemosynam, vel Sacerdoti celebranti; sed communius et probabilius censent Tournely, Holm., et Sporer l.c. restitutionem faciendam esse celebranti, quia, translato in eum onere, etiam jus ad integrum stipendium juxta voluntatem Domini transfertur. Dubitatur 2. Whether a Procurator or Executor of a testament, attending to the celebration elsewhere of masses committed to him where there is less expense, can retain the excess for himself?

They affirm. Mass l. 3. c. 1. §. 5. n. 15. because that excess will be the fruit of his industry. But the ineritiousness is commonly rejected by Concina tom. 9. pag. 464. n. 12. . 9. damn. ab. n. 8. q. 45. DEEUCHAR. UTEST SACRIFICII. DOUBT.

I. initial diameter aperture. 1 0. true range. 1 6. R. 68. et. 6. q. 8. R. 2. ». Nullate - nus, cum Passer. Reason, in order that it might make a procurator turpem quaestum ex eleemosynis: in that it has no title at all which any such thing might inherit, since it will never have acquired dominium over those eleemosynas. It is doubted whether a priest collecting alms for the celebration of Masses may retain something for his own labor, if the Masses are not handed over to him but are celebrated by another?

They deny that the Concilium says on page 4, paragraph 6, number 5, note

1, chapter 3: it states that this would be permitted to be issued by the Bull of Benedict. XIV, from the words supra-cited n. 3 a i. v. In Decreto. However, the violator above cited should retain a moderate reward according to the measure of his labor. That does not seem improbable, if indeed this must be destined, even though labor deserves a reward; then such a reward ought to be in accordance with natural justice, and out of their own will those who offer alms should contribute. But the Pontiff holds that those should not be condemned as having so great a desire to damn souls, who by their industry collect alms in order that they may make present some kind of usury; yet the collection prescribed for the hanging should not be gathered in one place and elsewhere Masses should be celebrated in care of almsgiving where such alms are of lesser value, although it is received from each cubit according to its capacity.

It is doubted whether the priest, to whom today three loaves are offered as a gift, can provide that another one be celebrated for him instead, promising to celebrate one in return on the following day, so that he might obtain an additional Mass for himself later in the year. Croix affirms l. 6., p. 2., n. 134, and Maxot affirms l. 2., p. 4., n. 30, that this would not necessitate holding back a portion of the price, which the Pontiff condemned, but rather to exchange Masses, and days. The Council rightly denies this, saying that this could not be excused on account of a suspicion of simony; yet it dares not condemn to eternal damnation a grave sin: and although poverty may excuse all fault according to prudent judgment, still merit cannot absolve from a great sin. It is doubted whether 5. the administrators of churches in alms given for masses can retain anything on account of expenses for altars, servers, candles, etc., as confirmed by the Decree of the Sacred Congregation of the Council of Innocent. XII ad n. 7. (vide ap. Croixl. 6. p. 2. n. 9 5.) sic respondit: « Non permittendurnonesse ut loca capia seu illorum administratores eleemosynis Missarum celebrandarum ullam ucum queminimam portionem retineant antione expensarum in Missarum celebratione, nisi alios non habeantreditus; et tunc nullatenus debere excedere valorem expensarum, quae pro ipsa mettantur summissa necessaria sunt subeundæ. »

"Ethica advertens aliud Decretum ejusdem S." The decree issued on July 6, year 1726, shall be found among the works of Benedict. XIV, Notif. 5 6. n. 1 3.) It was established: "The archpriests should not be required to administer the tithes of those who celebrate in their own church out of obligation of Benefice, or Chaplaincy. Regarding the Masses aduentisticas, it is necessary to add the subministration; which, although permitted to be celebrated in their own church out of obligation of Benefice or Capellaniæ, nevertheless neither should be admitted nor allowed for aduentistic Masses, unless the use of the books be released for those celebrating. »

323. — « 7. Beneficiarii etiam curati qui ad Missas obligati sunt possunt pro his accipere stipendium et applicare cui volunt quia non semper habent obligationem applicandi ad certam intentionem nisi tamen contrarium constet ut de Missa Conventuali docet Bonac.

Thus C. de Lugo d. 81. s. 1. n. 21. et et : he refers to t. 4. R. 232 'determinasse Congregationem Card. quod ei non liceat pro Missa accipere eleemosynam manualem, quando tenetur celebrare; de Missa tamen Conventuali, contra t. 13. » from the other three. » 324. — Quæritur I. Whether he who is elsewhere held to celebrate Masses without an expressed obligation of applying them may receive another stipend? Response: Si in foundatione Beneficii vel Capelanizis expressum sit non esse obligationem applicandi pro funtatore, certè poterit aliud stipendium accipere, prout habetur ex Decreto S. C. Concilii edito die 13 Julii 1630 (ap.

Bened. XIV, Notif. 56. n. 8., ubi sic dictum fuit: « Quando in fundatione Beneficii seu Capellæ expressè cautum est non teneri celebrantem ad applicationem Sacrificii, eo casu poterit celebrans accipere novum stipendium et una Missa satisfacere obligationi Beneficii seu Capellæ et item danti novo stipendium. » And a similar Decretum is brought by Merati p. 3, tit. 12, n. 4, edited on February 13, 1630. On the contrary, it must be said, as opposed to Busembach and others, as stated above, if in the foundation nothing has been expressly stipulated, as is mentioned in the Decree of the same Sacred Congregation approved on the 4th day, where it is said: "Priests who are bound to celebrate Masses for the days specified by reason of a Benefice or Chapel, whether through legation or salary, if they have also accepted alms for celebrating Masses for others, cannot satisfy both obligations with the same Mass." » And (whatever corresponds to Lugo d. 21 n. 12) this Decree was more clearly explained by another Decree of the same S. C. on March 18, 1686 (ap. Bened.

XIV l. c. n. 9.), ubi decisum fuit teneri celebrantem applicare pro anima testatoris; semper ac in fundatione nulla sit adjecta declaratio ad cujus suffragium applicandum sit sacrificium. And the same was declared by the same S. C. 6 n. 8.) concerning chaplains « Confraternity » and nuns who celebrate, as if they were confratres or moniales, so that they may satisfy the precept of hearing Mass. Here however another Decree of the same Sacred Congregation issued on 7 July 1686 (see among Piton's works), in which it was stated that chaplains and beneficed priests celebrating for the founder of the chapel or benefice are not bound to celebrate Masses during the time when the capital dower assigned is idle and unfruitful, without their fault. And lastly, this was confirmed likewise on August 8, 1705, in the same place [as mentioned] by Pitton. There is doubt whether

concerning the burdens of Masses and the conditions appended to the foundation, a prescription can be given (Affirmant £ 3. tr. i. c. 8. n. 13. cum Nao. item .). Miss. 1. 3. e. 7. §. 1. n. 1. et apud Croix l. 4. num. 852. et Gob. cum Rota Rom. ut ibidem testatur Tuschus.

Reason, because a legitimate prescription is valid against any right; and no exception is found in the law concerning the imposition of burdens on Masses. From these authors, however, others [argue] as follows: but rather, according to 2. l. 3. n. 510. But whatever it may be concerning this, it seems in no way capable to prescribe burdens of Masses and conditions requisitely demanded by founders; firstly, because (as Conradus says in l. 2, c. 10, n. 90) the original foundation has greater force than custom; secondly, because in benefactors it is more difficult to presume good faith, when they themselves easily presume having come to know the laws of the benefice from the foundation; finally (and this reason is stronger), because the canon itself decreed thus in c. 5: "When therefore from the erection, or foundation, or any other constitution of whatsoever benefices certain qualities are required, or certain burdens imposed upon them in their conferral, or in whatever disposition, they are not derogated." Therefore, qua- litatibus requisitis ex fundatione, et oneribus injunctis, sive in collatione, sive in quacumque alia pia dispositione, statuit Concilium nunquam derogari posse. Accedit Bulla Pii IV, quam confirmans clausula autem Decreti irritantis ligat etiam ignorantes, et in causis beneficiabilibus inficit titulum et possessionem, ut dicit Croix l. 4. n. 657. cum Gure. Nicolas et alii commissi.

The Bull is said to add that any prescription, even one hundred years old and forgotten, shall not be given against what is sought in the Quærit. II. On what days is the parish priest bound to apply the Mass for the people? Before the SS sanction is held, the Parochus shall apply Mass for the people? N. P. Bened XIV, de qua infra paululum loquimur n. 325, olim plures adfuerunt sententiae: prima sententia dixit teneri quotidie si reditus sint pingues; si vero tenues, teneri tantum diebus festis. Thus in q. 8. and is proved by many Decretals of S. C., those dealing with it; both this and that, even if the Parochus does not have a suitable house; nor is it sufficient, he says. The second opinion however said there to be no doubt that the Parochus should be bound by divine law to celebrate Mass for the people at least once in the course of the year; as stated in Sabm. de Sacrif. n. 46. where: "When" a divine precept is given to all to whom the care of souls has been committed, to recognize their flocks and offer sacrifice for them," etc. The second opinion said on the contrary that the Parochus should not apply himself daily to celebrate Mass for himself; because thereby he would be bound to celebrate daily, which is nowhere commanded.

Thus, according to n. 50 and others, it is not necessary to have the parish priest celebrate for the people on all feast days, but rather only at times in the year, by prudent discretion; thus, according to n. 22 of the single part 13. Reg. Steph. et Gob. apud Croix, qui putat probabilem 1. 3. part. 5. n. 762. Reason for these matters, because the office of a Curate is to feed the sheep with the word, example in the administration of Sacraments and dispensation of sacrifices; this they said should be understood as happening if that were applied generally to all faithful ones, and especially those who are concerned thereby, and thus it was deemed by the Tridentine. Hence they concluded that a parish priest could daily receive stipend for all those Masses, unless he be otherwise bound by foundation, custom, or precept of the Prelate to sacrifice for the people. 325. — But today from the Encyclical Letter of our Sovereign Pontiff Benedict. XIV, edited on August 19, 1754, which begins: When always (see at the beginning 9.

We have all parish priests bound to apply Mass for the people at least on feast days, even if they do not consider it convenient, in these words: "This is our mind and sentiment, as has been judged and defined by several Congregations at the command of the Prelates, that all, and each one who exercises the care of souls, and not only parish priests or secular vicars, but also regulars... equally are bound to apply the parochial Mass on all feast days for the people committed to their care." And because some alleged that they did not have suitable revenues, while others said that there was a contrary custom in certain places: "But we (so decrees and speaks the Pontiff) extend our approval and confirmation to the aforementioned resolutions of the preceding Council of the Congregation; and since it is necessary, by Apostolic authority again in the tenor of these presents we decree and declare, that although Parishes or others, as mentioned above, may lack suitable revenues, even though they have obtained this immemorial custom in their Parishes not to celebrate Mass for the people, nevertheless from henceforth all such things should be done entirely by them. And although (it is added) another response has been given by the Council of the Congregation regarding Parish priests being provided with rich revenues so as daily to celebrate and apply Mass for the people, etc., yet since controversies have arisen before us on this very matter, we consider it opportune that it should be abundantly sufficient for us to declare that those who exercise care for souls should celebrate and apply the Sacrifice of the Mass for the people on Sundays and other feast days throughout the year according to the precept." The Pontiff declares here that this applies likewise to those places and days in which the people have an interest in the Mass being celebrated, provided they are able to engage in other servile works or occupations. Therefore, in the case where

a Parish Priest is so poor that he must live on alms from Masses, it is conceded to Bishops to dispense with him, so that he may also apply Mass on feast days for those offering alms, provided that he make up the missed Masses for the people within the same week. And quanto ad oeconomos qui deputantur ad curam animarum, vacante Ecclesia Parochiali, tribuit Episcopis facultatem assignandi illis congruam portionem ex fructibus Parochiæ pro onere celebrandi Missas pro populo diebus festis, licet ipsi fructus ad Cameram Apostolicam pertinent, et quamvis portio jam eis sit assignata, juxta Constitul. S. Pii V, sed non sit sufficiens. 326. — Deinde decrevit Pontifex sua Apostolica auctoritate: « ut Missa conventualis, quæ singulis diebus canitur à Clero » prædictarum Ecclesiarum quotidie applicetur pro earumdem benefactoribus, respiciendo benefactores in genere cujuslibet Ecclesiæ.

And this, notwithstanding any custom to the contrary. Unless somewhere there exists a custom of applying both the first and second conventual Mass for the benefactors of the Church, it is declared that there is no obligation to apply the second Mass; nevertheless, in the Memento of the second Mass, commemoration should be made of their (the benefactors') deceased. Atque ita haec Bulga loquitur Pontifex de obligatione Canonorum canendi aut psallendi in Choro, alias restituendi fructus Præbendarum et distributionum, si tantum assistant et non psallant aut canant; quo improbabiles reddidit opiniones oppositas. See regarding this what has been said in Tomum secundum. I. 3. n 675. v. dub. 3. Afterward, having noted these things, another question arose which has not yet been discussed by any Author and which I did not find indicated, namely whether a parish priest (or bishop, for what is said about the parish priest should be more strongly said about the bishop), if he cannot celebrate on his own behalf for the people, is bound to have someone else celebrate? Having consulted several learned individuals regarding this doubt; some denied it, saying that this obligation of celebrating for the people includes only the obligation of praying for the people which the parish priest has; but since this obligation of praying is merely personal, a hindered parish priest is not bound to pray for the people through another, nor is he bound to celebrate through someone else when hindered.

But I, together with others, consider altogether to be opposed. Reason, because the parish priest is not only bound to celebrate for the people, but also to apply the Mass to the people, as Pope Benedict declared in the same Bull Cum semper anno 1744 (see tome 1 of his Bullarium). And this proceeds according to the words of Sacred Paul (Heb. 5:1): "For every high priest taken from among men is constituted on behalf of men in things pertaining to God, that he may offer gifts and sacrifices for sins." Chapter 124. VI. TRACT. III.

ON THE EUCHARIST. CHAP. III. And thereafter the same is confirmed in verse 3, saying: "And therefore it should," thus for the People, so also and for itself offer for these sins. The obligation of the Pastor to pray for the People is indeed personal; but so too is the obligation to apply the fruit of the Mass to the People (for if he can celebrate by himself, he cannot celebrate through another), and it is also real, since it is one of the duties annexed to the pastoral office as stated in the Council of Trent, session 23, where it was commanded that priests who have charge of souls should celebrate Masses so frequently as to satisfy their own duty. The burden, however, of offering Masses for the People is from a Divine precept, as that Council itself expressed in its cited session 23, chapter i, where it says: "Since there has been imposed by a Divine commandment upon all to whom the care of souls has been committed, to recognize their sheep and to offer sacrifice for them, together with the preaching of the Divine Word, etc." That Divine precept is found in John (21: 17): Feed my sheep. Convenient igitur tenetur Pastor suas oves pascere praedicatione, Sacramentorum administratione, correptione etc., sic etiam tenetur pascere applicando eis fructum Sacrificii; quapropter, convenient Pastor impeditus praedicare, vel Sacramenta administrare, tenetur praedicare et administrare Sacramenta per alium; ita impeditus applicare per seipsum Populo Missam, tenetur per alium applicare Sacrificii fructum, quod est pasculum utilius, quo Populum juvare potest.

If however Parochi and all to whom the care of Souls is committed are bound by precept to celebrate Mass and apply it for the People on Sundays and Feasts; much more are Bishops bound to this, as principal ministers of Souls, for the same chapter says that the celebration of the Divine Mass or its hearing (as regards Bishops) is only a matter of decorum, not of obligation. "For Bishops and their superiors have different reasons for frequently being absent from their own Churches and Dioceses, and cannot always conveniently approach the Churches to celebrate or hear Mass there; without which it would not be seemly for them to pass any day without a valid reason. According to the present Constitution we grant indulgence to them that they may have a temporary Altar and celebrate in it, and cause others to celebrate in it wherever it is permitted to celebrate or hear Divine Service without transgression of interdict." 327. — " 8. Qui stipiendum pro Sacro accepit, tenetur dicere Missam pro defunctis, vel votivam, vel in hoc, aut isto altari, prout pecuniam offering petivit (quantum tamen rubricae permittunt, quibus neglectis Ecclesiase ordinem invertere, ob alterius devotionem, non convenit) quia ob ejus devotionem et speciales orationes major fructus provenire solet. If however he shall do otherwise, it will not be grievous; nay rather, if it be done for a just cause, there will be none at all. Card. de Lugo l. c. n. 35. §28. — « 9. He who

with respect to place, time, intention, or quality of Mass does not satisfy, without just cause, against the will of the founder, commits a sin; and indeed gravely, if he often does so, let his heirs consent: since they cannot derogate from this testamentary will, as teach Sylvestris and Iohannes cap. 14. et Sa, v.

Masses. . c. R. 29. where it teaches from . Fac. et: quod negat n. 36. But neither is it venial, if one is obligated daily to celebrate the Mass, but rarely and for a reasonable cause celebrates elsewhere. Similarly, according to sacred law, book 3, chapter 2, it excuses from a mortal sin him who celebrates elsewhere either once or twice in each month, unless he is bound to celebrate at the privileged altar; and it notes that a priest might be able to oppose this burden of masses, for example, by prescribing a certain number of them over thirty years, provided there is possession, title, and good faith. §29. — Notandum igitur in primo, circa locum celebrandi, quod si Capellanus celebret in alia Ecclesia, vel altari, vel hora, quam à fundatore est constitutum, peccet mortaliter. Thus commonly Lugo de Sacram. d. 21. n. 36. . 13. d. 1. p. 6. n. 26.

Tourn. tom. 5. p. 773. n. 17. cum; et faciliùs, si mutabit tantum altare, et non Ecclesiam. I have also said without cause; for he will sin very little if he celebrates elsewhere for a just reason; suppose that the altar is accursed, or because having gone out from the sacristy he sees that one being occupied by another. Lugo loc. cit. ac Elbed de Sacr. Masses number 216. Since the Bishop can conveniently dispense that it be celebrated in another place for a reasonable cause, such as for the utility of his own Church, application of study, infirmity, or business, or excessive trouble in going to church, and similar reasons, as they say on p. 470, n. 28 with Bus. Croix lib. 6. p. 2. n. 120. with Pasq. with Henr. q. 6. R. 2. with Passer and Ricci. Cel.

Miss. l. 3. c. 2. §. 2. n. 1. Mazzot. tom. 3. p. 188. who calls common. Reason, because in such a dispensation the will of the testator omits all accidents and is compensated by a higher good; although Tridentine Session 25, Chapter 5, de Ref., prohibits changing the qualities of foundations, these Episcopal intentions can nevertheless be interpreted as reducing them to equity; thus Mazzotti and Croix, in their volumes, explicitly concede to Prelates in certain cases even completely commutating the last wills. However rightly Croix and Pasquale say in our case that the bishops cannot dispense, if 126 LIB. VI. TREATISE.

III. ON THE EUCHARIST. CAP. III. In designating the Church or hour for the foundation, it has specially regarded the convenience of the people who will hear Mass. Moreover, I said that if the founder designates that

altar for a Greek reason, such as out of memory, or for the convenience of the family, or of the people, or for a special cult of a saint, and similar reasons. For if it had no special end, or if the cause has ceased, namely, if the family is extinct or dwells elsewhere, then the Priest, by changing the altar merely for convenience, will sin venially; and not even venially, if he celebrates in a privileged altar, because there he consults better the founder; according to Lugo n. 36 and 37, and Tourn. 1. c. Caeterum advertendum apud P. Ferraris Bibl. tom. 3. verb. Capellania, n. 14., referri plura Decreta S. C. Concilii, quibus dicitur pro hujusmodi dispensatione semper adesse Sedem Apostolicam.

Note II. that if anyone, having accepted a stipend, should be bound to celebrate Mass in a privileged altar and instead celebrates it in another, he is no longer bound to the restitution of the stipend, but merely to applying indulgences applicable for the dead; thus 210. cum ac q. 7. R. 1 et 2. qui addit non esse quidem obligationem restituendi, si eleemosyna data sit ordinaria, secus vero si pinguis. Translation: R. 1 and 2. who adds that it is not indeed an obligation to restore if the alms given were ordinary, but rather if they were meager. But he does not satisfy who celebrates in another altar, not privileged, applying indulgences from the blessed calculus, image, etc., because these indulgences are not as certain as the indulgences of a privileged altar, as n. 21 explains with Nao. 21 n. 30 and commonly with others (contra etc.) regarding the blessed calculus with an indulgence for the liberation of a soul in purgatory in the celebration of Mass. 330. — « 10.

He who is beneficed by justice is obliged under a mortal sin, and to the penalty of compensation, to that number of Masses, either per se or (as the meaning of the founder's words permits), at least through another, unless otherwise expressed in the institution of the chapel; for if the chaplain does not celebrate himself, he can always cause another to celebrate. Thus correctly teach n. 33. with Dict. and Dian à S. C. part. 4. tr. 4. R. 87. Qui cum Campanilis testatur ita declaratum. And thus it was also decided by the Sacred Roman Rota n. 1171, which n. 1514 presents another Declaration. S. C. editam 17. September 1685.) That number of letters of foundation they require; but that number the Bishop may diminish in Synod for a just cause, e.g., if the returns no longer sufficiently respond, vide Bonac. d. 4.

> as last page paragraph 8. » 331. — Reductio Missarum hodie tantùm à Sede Apostolica, non ab Episcopis fieri potest, ut patet ex Decreto S. C. Concilii edito jussu Urbani VIII, et confirmato ab Innoc. XII (see at Croix 1. 6. part. 2. n. 63. v. And first), where it is thus said « District », it prohibits that Bishops reduce the burdens of celebrating Masses in Diocesan Synod,

or in General Chapters; or by any other manner whatsoever, those imposed after the same Council, or at the threshold of foundation; but for all these things to be reduced, moderated, or commuted, recourse should be made to the Apostolic See. Otherwise, such reductions, moderations, and commutations, if they have been made contrary to this prohibition, are altogether null and void. The faculty, however, as clearly explains the same Decretum (whatever they may say, 15th de Statu n. 148.), granted by Tridentine session 25, chapter 4. To bishops and others, was given only the power for reducing masses left before the council and not imposed at the threshold of foundation.

On the contrary, in the same Decree of Urban (apud Croix n. 89.) it was declared that it could well be possible for Bishops to reduce Masses, if the testator had expressly given such power to them. Quibusdam vero causis Sedes Apostolica Missas solet reducere sunt paucitas Sacerdotum, stipendii tenuitas vel incrementum stipendii currentis, extenuatio redituum Monasterii, vel majores necessarias ad victum expensae; denique si urgeret necessitas Fratrum vel Ecclesiae aut Monasterii, sic n. 3. Wiganld tr. 12. n. 80. et . c. n. 144. cum Az. Piliib. Barbosa, Lex. et aliis. It is doubted 1.

Whether a Bishop can diminish Masses whose burden is borne by him who receives them out of alms? Croix affirms n. 119. with Pasq. and . Concilium ex Decreto Sanctae Congregationis mox supra citato, ubi declaratur nullo modo posse Episcopos onera Missarum reducere vel moderari; idque expresse declaravit eadem Sancta Congregatio in alio Decreto, quod refert Sed hoc intelligendum procedere, ait Fagnanus in capite ex parte de cum Felino, quando antea hujusmodi onera Missarum de jure vel de facto adimpleri poterant, sed casu quo reditus a principio fuerint sufficientes et postea ita immi-nuantur ut nullo medio sufficiant ad onera ferenda, tunc dicit Fagnanus non videri sublatam Episcopis facultatem quam habent de jure communi Missas moderandi vel commutandi ex capite Nos de Testamento et ex capite quarto et octavo ubi conceditur Episcopis ut una cum haerede vel executori possint ultimas voluntates in alium pium usum commutare. Doubt is cast. Whether a chaplain may of himself reduce the number of masses, if the revenues should fall short? If there is a total deficiency without any fault on his part, it is certain that he is not bound to celebrate Masses, as commonly stated in Croix, lib. 4, n. 855; Miss. 1, 3, c. 1, § 2, n. 2 and § 3, n. 89, q. 8, with Pasqual., Passer., and Escob., 1, 21, n. 637, with Bordon and Aversa.

That was declared by the Sacred Congregation as we said in note 324 at the end. If however the returns should fall short in part, it also seems certain that Masses can be diminished Capellani-wise, in the case where the testator has designated a suitable alms, for example a penny per Mass;

because then, if the returns are increased, the number of Masses to be celebrated would have to be augmented accordingly, and conversely, if the returns are diminished. The greater difficulty is, whether one should posit-12 8 LIB. VI. TRACT. II.

ON THE EUCHARIST. CAP. III. Whether a chaplain should diminish the number of Masses if the testator has specified a certain number of Masses and the stipend for ordinary Masses is still lacking? They deny. c. n. 1 et 2. tr. 16. R. 65. p. 427. n. 5. 3. d. 1. p. 6. n. 23. et . 152. cum . Philb. Pellet and Lezana.

They say that recourse must absolutely be had to the Apostolic See for this moderation, both according to the Decree cited above, in which it was said: "For all these things" reduce or moderate them to the Apostolic See; and also according to another Decree (see ap.). Croix n. 89.) whereupon they ask: "What if a legate be so slight that there be none who will wish to bear the burden imposed upon him, and if recourse must be had to the Apostolic See for moderation of the burden, should all or nearly all be absorbed in expenses necessary for this?" Thus it was declared: "Even though a burden may be so slight that no one wishes to bear it, nevertheless, for the reduction of this burden, as previously imposed, it is incumbent upon those to whom it pertains to direct their appeal to the Apostolic See, which will decree this without any expense." However, their opinion is not obstructed, and they affirm as stated in lib. 5 de quaest. 9. n. 98. Escob. l. c. item et 3. in praxi, hoc putat probabile. The reason for this is that it is deemed to be in accordance with the mind of the testator himself, who is not presumed to have wished to compel Capellanus gratuitously or with a lesser just stipend to celebrate, or to supplement the salary from his own goods if he would wish to have someone else celebrate; otherwise, the will of the testator would be unjust, which ought not to be observed.

Because in this there might easily arise the danger of hallucination, he [i.e., the author or legislator] adverted to 4 n. 855 and Tourn. l. 5. p. 793. qu. 13), that is, either at least wise and pious men, who do not act authoritatively but rather as a just arbiter, might moderate the number of Masses. To the aforementioned Decretals responds the aforementioned Decretals themselves, for they speak according to the mind of the one who says in c. 4 of References where the discourse is not now about diminished revenues, but about a slender stipend initially designated for Masses, which are not easily found by those who wish to celebrate them, and about that which, due to the tenuity of the stipend or the paucity of priests, might be reduced. If this opinion be at all probable, I refer the judgment to the wisdom of the prudent. Otherwise, if this opinion were to

stand, it would absolutely be necessary to observe what §3 num 96 advertises, namely, that if Capellanus in past years has received a greater stipend than usual, he must compensate by celebrating the same number of Masses; for since he stood before in ease, he should thereafter stand in difficulty. It is doubted 3. Whether a Bishop can moderate Offices, prayers, and almsgivings annexed to Anniversaries?

Sed affirmat Pasqual. ibid., quia prohibitio non loquitur de his, sed tantùm de reductione Missarum; uti etiam nec de illis Missis, ad quas aliquis Sacerdos se obligasset sine congruo DE EUCHAR. AS IT IS A SACRIFICE. DUB. I. 12. stipendio; id enim esset in praejudicium Ecclesiæ, et successorum. But this last must under no circumstances be admitted, because it would be contrary to the decrees referred to above in dub. 1. 33°. — « 11. "Qui ratione Beneficii tenetur quotidie celebrare, tenetur etiam Missas pro fundatore (nisi de hujus intentione) contraria constet) applicare." t. 6.

Reply 13. » who nevertheless allows him to do so four or six times in a year (Or for one who is very closely related to himself, or for a very dear friend, or for a benefactor; thus the consent of the founder is presumed, as stated in n. 36 with Homob. » Nald. Now let it not be received as stipendium, as rightly contend Pasq. and Gob. and n. 28. because this would be against the mind of the founder.) and on the day of commemoration of all the dead to celebrate for a particular deceased person. » ° (Vide infra n. 338.) ° Item quavis hebdomada unam Missam omittere devotionis et reverentiae causa, idque ex praesumpta intentione fundatoris: quod Tumb. l. 3. exped. sacr. c. 3. §. 1.

It is limited from Gao, page 3, tome 12, unless it be stated that the contrary was the will of the founder, or that it is incumbent upon the Church or the Monastery to care for the celebration of the daily Mass. V. . c. . t. 14. R. 28. and p. 4. t. 4. R. 86. and p. 5. t. 5. R. 23. and t. 13.

R. 51. That very thing is limited according to lib. 5, d. 9: if the obligation is directed toward that very Priest, for example, if it is said (who ought to celebrate regularly), in such a case it is conceded. Thus also commonly with Leand., where it is stated that Capellanus ought to celebrate daily, provided there is no impropriety and due devotion. However, it is evident that on no day can the Capellanus be free, if in the foundation it has been expressly stipulated that Mass should be celebrated either by himself or by another, according to the Declaration. S. C. of May 30, 1699.) If however it is directed toward celebration in such a place, for example, if I wish that Mass be celebrated daily in such a church, to hold another person substituted for himself on that day when he does not celebrate. Qui non

potest fundationi satisfacere propter morbum, non tenetur, si brevis sit, v.g. 15 dierum, ut docet Bonac., aut etiam unius, alteriusve mensis (ut probabiliter docet), substituere alium, aut compensare, cum tam stricte ne domini quidem honesti cum famulis agant; secus tamen, si sit diuturnus morbus; nisi reditus sint nimis tenues, aut in morbum absumantur, ut contra Sylo. Et ita Bon. d. 4. q. ult. p. 7. "333. — Is it asked whether the chaplain who is sick is bound temporarily to give someone else a stipend so that he may celebrate Masses?"

Common is (contra Henriq.) not to be held, if the illness be brief, as with Busemb. 5. 10 LIB. VI. TREATISE, H I, ON THE INCARNATION. CAP. IIK. hétérenentlégodion 2 1. n u. 6 8. . 5. n 3 4. cum dicit. dicit non fundatovoluerit non deficere missam in taliloco, etc. Quaenam autem sit infirmitas brevis? Another say, it perishes through want of use—like a sword. Molfes.

Craft. lot. Others extend it to fifteen days, according to Bon. ot. p. 1 3 1. n. 2 1 4. with Anacl. And there shall be published a Declaration S. C. Concilium editum die 17 Nov. 1695. (auctoritate Pittonii de Parochialibus n. 1595.) ubi dictum fuit non teneri Capellanum - lanumperalium supplere tempore infirmitatis non excedentis 15 dies. Others a year, as. 3. n. 7. and. 3 5. with Hurtado. d. et Concil. Mediol. 7. tit. de Missis, ubi: « Si Capel lanus saltem per annum celebravit in aliquo loco, sietiamper mensem egrotet, adhuc integram eleemosynam judicio Episcopacipere potest. »

The same extend also contain two months, as Lugo. n. 4 0. with Nao. item P nilb. Say. Nald. Leand. and Ant. to Sp. S. a p. . c. et adharet Conc. p. 4 7 1. n. 3 1. ac proba - bile putant Busem. utsupra, ac Dicast. . etc. apud. All indeed have opinions that seem to be probables.

Hic obiter id quod advertit Bened. XIV. Of Sacrifice. Missed chapter 3, number 2, having prohibited. C. thirty Missae Gregorianae, ut poteret non convenientes refellas. But whether it is licit to receive a stipend for the Mass which a novice celebrates with a Bishop? Consider the number. 8 2 9. v.

An autem. ## DOUBT II. ## To whom is it fitting to apply the fruit of the sacrifice? 3 3 4. Whether the fruit of the Mass is to be applied? Does a valid religious apply the fruit of the Mass against the will of the Prealta? — 3 3 8. The application ought to be made during the celebration. Qu. The application ought to be made during the celebration.

May the application be sufficient? U. I I. Whether anyone who has

received wages from various sources is sufficient to apply Missa pro eis in confuso? — 3 3 6. What if any application is made, either by a capable or an incapable? — 3 3 7. Does a conditional application count?

And is an application made by a proper offerer illicit and invalid? — 3 3 8. Can an application be made specifically for the souls individually on account of a particular use by way of exception? — 3 3 9. Of the partial privilege. Qu. i. Anad tales Indulgentias lucrandas requirant Missae Requiem? Q u. 2.

How is the clause "Modus" to be understood in the Church that daily devotes itself wholly to the Mass? Q u. 3. How is to be understood the clause: In the Church, in what manner is it not some privileged altar? 3 3 4. - « Resp. The priest alone validly performs the sacrifice through his intention, because it is an act of sacerdotal power. Thus » Commun. . deLugod. 1 9. s. 1 0. num. 5 1 1. etc. ## Whereupon resolves: « I. Even if it sins through sacrificing or applying contrary to the will of the superiors, it is validly applied.

Thus... » de Lugo, loc. cit. against Cain. Ledes. and others, whose opinion he says to be probable. 1 4. Reply 72. It is asked whether the Religious duly applies the Mass against the will of the Prelate? The first opinion denies it, which is held by Scotus in Quodl. 20. Guo. in Rubr. tit. 12. n. 28. item Gubr. p. 482. v., Grae, ac Cordub. et tr. 14.

R. 72. who considers it probable. Reason, because the will of the Religious is subject to the will of the Superior; hence, as the superior can irritate contracts and vows of the subject, so too can applications for Masses be applied. The second opinion, however, more common and probable states that such a subordinated application is indeed illicit, but not invalid; and this is held in agreement with Busemb. . 76. s. 9. num. 11. Lugo on the Eucharist, d. 19, n. 211, who says that the opposite is nearly rejected by all the Recentiores, Missæ c. 3, n. 25, num. 72. Tourn. l. c. cum n. 180. cum Mastrio, Croix et Gob. Reason, because being subject, as he uses the power of the Order (as is the case here), he is minimally subjected to the will of the Prelate.

Merchantius limits this in Tribut. qu. 2. d. 2. If a Priest makes an application out of the force of the pact initiated with the offerant, because a congruent pact without the will of the Prelate is null, thus also the application is null. This nevertheless is to be rightly understood, when a subject so arranges the application of the pact that absolutely he intends not to apply it if the obligee does not fulfill the contracted obligation (which well says Sporer n. 209. in fact rarely happens); When however he

absolutely applies it without restricting his intention to the satisfaction of the pact, then he validly applies it by virtue of the general power which he has to apply the Sacrifice, to what he wishes, even if misled into applying the Mass for the contracted obligation. 335. — « 2. Sacrificium, quod neque formaliter, neque virtualiter ulli applicatum est, vel ante, vel in ipsa consecratione, saltem secundæ speciei, non potest postea ulli applicari, saltem adaequate, quia producit effectum, quando existit, neque is suspenditur; ideoque nec licet accipere stipendium pro Missa præterita. V. . 5. t. 5. c. 2. « Dixi, vel ante; quia non requiritur ut applicatio fiat in ipsa » Sacrificio: sufficitque si pridie facta sit, etsi ipsa die de ea non cogitet. Good question 3. part 2. according to chapter R. 47 against Vasquez.

It is asked I. Is it sufficient for the application of Mass that there be a habitual application, namely one sometimes present and not revoked? d. 38. c. 6. n. 74. et Abelly de Sacr. n. 5. cum Isamb. dicentes quod congruent ad consecrandum requiritur intentio actualis Ministri vel saltem virtualis, sic etiam requiritur ad fructum Missæ applicandum. But more truly and commonly they affirm. Bonaventura de Sacramento, I, quaestio 1, part 2, section 3, number 11. Lugo from the same title. D. 8. n. 93. when p. 841. q. 6.

Response to number 2, note 12, view. You will say, 118. n. 174. t. 3. p. 168. Sporer ibid., n. 340, cum Gob., qui testatur hanc esse omnium praxim; et Croix l. 6, p. 2, n. 50, cum Con. . Et ab hac doctrina in substantia non est differ-13 LIB. VI. TREATISE. III.

ON THE EUCHARIST. CAP. III. mis P. p. 473. n. 36. nam, licet requirat intentionem virtualem, tamen virtualis illa (modo quo ipse explicat) coincidit cum nostra habituali; dum inquit, quod si quis acceperit viginti eleemosynas, et hodie celebrationem incipit cum voluntate sequentium diebus celebrandi pro offerente, tunc sufficere primam intentionem; etiamsi cateris singulis diebus alio distractus illam non renovet. Our reason is that the application of the Mass has a relation through the manner of a verbal donation, which having been made once suffices until it is expressly revoked. Responditur autem ad rationem oppositam, quod in Sacramentis ideo requiritur intentio actualis vel virtualis, quia intentionem efficit Sacramentum, seu actualiter influit in ejus confectionem; sed in applicatione Missae intentionem non efficit fructum illius, dum adhuc sine applicatione de se oritur fructus ex celebratione Missae, et ideo sufficit applicatio aliquando facta, per quam fructus fuit alicui donatus. It is asked II. If anyone receives stipend from ten persons for ten Masses, will he satisfy by applying the first ten Masses which he reads for them in confusion?

Sylvius denies it. Bon. d. 4. p. 7. 3. 3. n. 1. ed p. 474. n. 38. But it seems better thus to distinguish: If each individual Sacrificia is applied for each indeterminate one, it does not seem that anything said by Aversu and Diana at Croix l. 6 p. 2 n. 209 will suffice. Reason, quod ad satisfactionem requiritur intentio applicandi fructum determinatae personae, ut illi prospiciat; unde congruent non consecraret, qui decies offerret formam Consecrationis super decem hostias, cum intentione consecrandi unam quamcunque formam unamque ex his hostiis in confuso; ita qui applicat decem Missas indeterminatae. Si vero Sacerdos unamquemque Missam intenderet applicare omnibus illis decem personis, singulis applicando decimam partem uniuscuiusque Missæ, non videtur ratio cur non satisfaciat, cum nemo dubitet quin fructus Sacrificii sit divisibilis, et ideo tribuitur unicuique quod debetur; unusquisque in singulis Missis, decimam partem accipiendo, in celebratione decimæ Missæ jam totum suum fructum percipit. And thus Bonaventure holds in the aforementioned work, question 9.

R. 2. . 1. 2. c. 2. §. 11. n. 4. item Aversa, Hanno, et alii apud Croix 1. 6. p. 2. num. 210. contra Pasqual et Posseo. 336. — « 3. If it is applied to no one, or to an incapable person, the fruits remain in the Church's treasury, as Suarez teaches, or they are ceded to the Priest himself, or to those for whom it is specially intended to be offered, because it is thus implicitly considered that he intends. Thus c. 2. V. If the fruit of the Sacrifice is applied to an incapable person, then that remains in the treasury of the Church. In practice however, when there is doubt whether what we offer is for one who is incapable or not, it has been held that in Masses offered gratuitously they should be applied either to ourselves, or to another under condition, if the person to whom they are applied is not capable; whereas in Masses offered with stipend, because the fruit thereof probably accrues to the benefit of the one offering from his implied will, therefore we cannot apply the fruit to whomsoever we wish unless under condition, DE EUCHAR.

AS IT IS SACRIFICE. DOUBT. II. 133 ut praejudicium non fiat cui obligatio adsit applicandi; ita Eibel n. 104 et Sporer n. 284 cum Marchant 337 — « 4. The application, under a condition already fulfilled, is valid; for example, with respect to the intention which was had today above, but not under a future contingent condition; for instance, I apply it either to him whom Titius shall have interrogated; or to him who shall first die; or to him who shall offer the stipendium first: thus . part. t. 3. d. 79. s. 9. c. c. R. 15. Card. de Lugo n. 209. contra §. 5. qui tamen ipse in praxi dissuadet. He did not satisfy who, supposing you to be dead, celebrated Masses which were held for the deceased.

Priests of the Society do not satisfy themselves by celebrating Masses in anticipation for the dead, unless indeed they are already dead, even though after the fact their posterity may promulgate it. Lugo in Penitence d. 13, n. 137 and c. 6 applies the performance of the Mass made for the first offerer to be valid but illicit on account of the prohibition of Clement. Eighth, which Paul V promulgated on the 15th day of November in the year 1605, he abolishes this custom as "hazardous to many names," offensive to the scandal of the faithful, and excessively deviating from the ancient usage of the Church. » At probabilis (ut rectè ait Croix n. 222.) talis applicatio non solum erit illicita, sed sæpe invalida, quia sæpe accidet quod Missa tunc dicatur pro causa, qua adhuc non existit, putà si stipendium offerens postulabit Missam pro liberatione à carcere, ab infirmitate, etc. qua causa, cum nunc non adsit, effectus Missæ suspensus remanere deberet, quod non videtur credibile. However, Tournely has rightly noted on page 791 with Vasquez. Aorsa, et Quarti, quòd si Sacerdos prævideat, quòd postulandæ sint Missæ pro aliquo defuncto, bene potest eas nunc offerre, et deinde stipendium percipere, quia hoc casu jam offerrentur pro persona determinata. 338. — « 7. Not all Priests are bound to apply Mass on the Day of Souls for all the deceased. . 3. exp.

Sacramentary c. 3. §. 2. against practice, and treatise 15. » (Concerning this, the Decretum of S.C. is found at Merati's index n. 411, edited on August 4, 1663; where it was stated. On the day of the Commemoration of all the faithful departed, the Sacrifices that are being celebrated by the priests can be applied at will, namely, either for all the faithful departed, or for some [specific ones] only. With this Decree established, it is well said on page 793, question 11, that nothing hinders the receipt of a stipend for such Masses.) 339. — 8. The Mass celebrated in a privileged altar for the dead does not suffrage them, nor does the Indulgence suffice, unless it be for rest [or] peace. t. 4.

R. 233. from the declaration. t. 2. R. 8. This privilege of the altar consists in this, that from purgatory the soul is released by means of indulgences, or their fruits, which are in the Church's treasury; and this is done through the power of the keys with which the Pope has the authority to apply indulgences. VI. TREATISE. III.

De. Eucharistia. CAP. III. while they live indeed by the mode of absolution, but for the dead by the mode of suffrage or dissolution. You will inquire i. Is it always required that for the purpose of gaining an indulgence for a privileged altar, a Mass for the repose should be celebrated? Resp. negativè; nam licet olim anno 1601 die i Junii respondisset S. C. affirmativè, ut fert tr. 4.

R. 233. Attamen Alexander VII, die 22 Januar. an. 1667, in decreto incipiente Creditæ nobis, declaravit quod in iis diebus, quibus non licent Missæ de requiem, Missæ de festo currente easdem habeant Indulgentias, quas habent Missæ de requiem: Idque extendit ad altaria Privilegiatæ etiam non perpetua, et pro aliquo die in hebdomada. Then Innocentius XI declared on May 4th in the year 1688 that this is also valid on days of the Lord's Day, and during the weeks following Paschaltide, Pentecost, Corpus Christi, and other annual days on which Masses for the repose cannot be celebrated. Finally, all these decrees was confirmed by Clement XI on the 29th (See the aforementioned Decrees among Merati. i. p. 2). From all these things it is gathered that masses celebrated in the privileged altar, either perpetually or temporarily granted, benefit the dead, whether they are said for a particular day or for the current day, when it is not permitted to say them for repose. Si vero currat festum semiduplex, omnino debet dici de requiem in altari Privilegiatæ; alias non acquiritur Indulgentia, etiamsi in Ecclesia solemnitas celebratur, ex declaratione S. C., quam refert P. Zaccharia apud Croix l. 6. p. 2. ad n. 509. When, however, the privilege is conceded ad tempus, the Holy See declared in its Decree (which Croix presents in book 6, page 1, number 525) that the time should begin not from the day of publication of the Brief, but from the day of concession.

You will ask the second question. What if in the Church, where an altar has been granted a privilege for some time period, seven or five Masses are not said according to the clause which is usually appended in Indults? Sylvius apud Croix n. 5a2. thinks that the privilege should also be suffragated if two or three Masses are not read. But rather the opposite is taught by Benedict XIV, Notif. 56, n. 16, from the Decree of the Sacred Congregation of the Council, published on the day mentioned there, « the celebration of Masses Indults previously predestined to be celebrated absolutely necessary in each day in that same Church. » She declared nevertheless by the same Sacred Congregation on July 30, 1766, in another Decree (inserted in the Bullarium of Clement XI., p. 2, p. 5a2), that during a time when Religious or Secular Priests do not celebrate pre-defined Masses for some days or months on account of absence, indulgences are not lost but are suspended for those times then. Furthermore, it was declared that if Masses are not read for sick priests, or because Religious are otherwise to celebrate Masses due to an occasion of festivity or funerals at another place according to the command of the Prelate, if this happens rarely enough, even then indulgences and suffrages are granted.

See the aforesaid Decrees among Bened. XIV. loc. cit. n. 17. et apud p. 258. qui illa in extensum affert. You will inquire about 3. how the clause is

to be understood if in the Church another [version] is found. AS IT IS A SACRIFICE. DUB. III. 135 Sporer p. 258. n. 133. et intelligendum esse, quod si altare Privilegiatum antea concessum fuerit generatim pro quibuscumque defunctis, idque in secunda petitione non sit expressum, posterior concessio, etiam generatim facta, nihil valet; secus vero, si concessio fiat pro aliquibus particularibus personis.

And thus it seems equally to be stated, if the first concession is particular, and the second general. Here to be noted is that the privilege of a privileged altar is not communicable through general communication of privileges, according to the Decree of the Sacred Congregation of Indulgences dated February 5, 1748, and approved by Benedict. XIV, day 2 of March of the same year; thus refers P. Ferrarius v. Indulgence in Notandum 2. quod Clemens XIII, prævio voto ejusdem S. C. die 19 Maii 1719, indulsit omnibus Ecclesiis Parochialibus altare privilegiatum quotidianum ad septennium; quo expleto, præcepit omnibus Episcopis, Abbatibus, Vicariisque Capitularibus, pro suis Parœciis confirmationem ejusdem privilegii ad septen-nium petere; vid Ferrer. ## DUBIUM III. ## Quando, et quoties liceat celebrare. 340. Can it be said that Mass is celebrated before dawn or after noon? — 341. From what time may dawn begin?

Whether the time of both dawn and midday is morally to be accepted? — 342. What about the Privileges of Regulars? — 343. Cases in which it is permitted to celebrate before dawn or after midday. May all three Masses be said before dawn on the night of the Nativity? — 344. May Mass be anticipated or postponed for the sake of festivity, or on account of journeying, or through the dispensation of the Bishop? — 345. Would it be grievously sinful to celebrate Mass before dawn or after midday? — 346.

What is the littleness of the matter in this? What sin is it to celebrate before Matins? — 348. What if it were a Conventional Mass and solemn? — 349. Is it licit to celebrate (and minister Communion) on any day of the year? — 350. May it be permitted to privately celebrate (and minister Communion) on the day of the Lord's Supper, and on the day of the Holy Sabbath? — 351. Whether and when it is permissible to celebrate multiple times on a single day? — 352.

Is it permissible at times to interrupt the Mass, or to begin anew? — 353. If a prince or a crowd of pilgrims should come? Or if the priest remembers some obstacle? — 354. Whether necessity arises from one's own affairs or from those of another? — 355. How is a disrupted Mass to be completed by another Priest? 340. — « RESP. 1. Ordinarily it is not permitted to celebrate [the Mass] after midday, but it should be begun before twelve

o'clock, nor before aurora, which is reckoned from the fourth part of the night until sunrise, a quarter of an hour, or one hour with a quadrant, and consequently, according to Henry. Suarez, et alios, Missa possit inchoari tanto ante auroram ut sub ejus initium finiatur, licet duabus horis ante ortum solis inciperet.

Ita Rodriguez, et alii. Whereupon some further infer: what Cardinal de Lugo defines in the twenty-ninth chapter. section 2. note 32. does not disapprove, even though . But rather, four hours after midnight, Card. de Lugo l.c. Whatever hour (whether with or without privilege) they celebrate Mass, whether on the night of Nativity or on other occasions celebrated thereafter, it is permitted for them to administer the Eucharist to others in the same and so in the Mass, licitly contravening t. 7. R. 43. ° (Sed hoc vetitum nunc est.) See concerning this, n. 252. v.

Thus also.) ° 341. — In the rubric of the Missal, no. 15, it is stated: "Private Mass," at least after Matins and Lauds, any hour from dawn until midday can be said. Therefore it is not permissible to celebrate before dawn, which no longer signifies the rising of the sun, but rather that time which is midway between night and day. Hence it is said n. 33, that it is licit to begin Mass nearly two hours before the rising of the sun: But they say rather Croix l. 6 p. 1 n. 226 p. 793 q. 1 et Bened. XIV, Notif. 12. n. 12, auroram computandam esse ex temporum varietate, juxta tabellas, quae directoribus Officii divini apponi solent. Therefore Croix and Tourneby assert that the beginning of the night dew should be reckoned about two hours before sunrise according to the quadrant: in February and September one hour and a half before sunrise; in March one hour and a quarter before sunrise; and for the remaining months, one hour and three-quarters before sunrise. All nevertheless agree with Lugo d. 20. num. 37.

Tournely page 794. question 2 and 3. W'igandl tract. 15. n. 52. n. 2. ed n. 33 et 42. qui citant. Sa, Henr. et alios, quod nulla sit culpa Missas terminare in aurora, et eas incipere parum ante meridiem; ratio, quia tempus tam aurorae quam meridiei (de qua infra dicemus ex n. 3/5.), non mathematicae sed moraliter accipiendum. And although formerly (as Benedict relates), XIV, Notif. 12. n. 3 et 4.) Clemens XI, secus praeceperit in quodam suo edicto, ubi sic dixit: Comandiamo che le Messe non possano incominciarsi prima dell'aurora, è che à mezzo giorno debbano essere del tutto terminate; Nihilominus postea, cum hoc punctum rursus examini mandatum fuisset; Benedict. XIII annuit posse tolerari latitudinem tertiae partis horae tum ante auroram, tum post meridiem: idque per edictum publicatum fuit sub Clemente.

Regarding Religious orders, Lugo on the 20th day, from note 27, affirms

several Privileges whereby Regulars are permitted to celebrate twice in two hours after midnight: Likewise note 32 asserts the privilege granted by Eugene IV to celebrate the third hour after midday for just cause. Whether such privileges were revoked by the Council of Trent? Fagundez affirms, along with others, according to Lugo n. 20, because in the aforementioned Council session 22. Decr. concerning the avoidance during solemnities. Misericordia, sic praecipitur: "Ordinarii caveant, ne Sacerdotes aliis quam debitis horis celebrent... non obstantibus Privilegiis quibuscumque." They deny Wigandt, I, n. 4.

Lugo ibidem cum Rodri. Salas, Diana, et alii plurimi putant probabilem Roncaglia c. 5, q. 8. ibidem; ergo ubi Episcopi non repugnant, nec Regularis suis privilegiis truere nequeant. Nevertheless, nevertheless, the opposite is to be firmly held according to the Decree of Clement XI, published on December 15, 1703 (in full referred to by Croix n. 258), where the Pontiff declares that the privileges granted to Regulars regarding the celebration of Masses have been entirely revoked by the Council chapter unic. And although Clement speaks thereonly of the privilege of the portable altar, nevertheless by this declaration he undoubtedly shows that the privilege of celebrating outside the proper hours is also revoked, which the Council expressly commands all priests to observe; notwithstanding any privileges whatsoever (as above). 343. — "I have said, ordinarily, that it may be permitted to anticipate for those who follow"; in cases where even a little after midday, e.g., one or two quarters, can begin, as also according to Sot. et g. on account of supplication, or public preaching prolonged beyond midday, because of the death of a Prince, or because the priest was impeded on a feast day by journeying, in which case they even allow the full hour after to be begun. See c. 1. In necessity, for example, that the Viaticum be given to the moribund, she says, Diana, in paragraph 1, title 14, that it is licit to celebrate at midnight in such a case.

R. 33. ex n. 25. et n. 27. cum Vasq.) 2. Where is the custom of reason, that artisans and household servants may be able to hear sacred rites at high noon? R. 34.) non tamen idcirco post meridiem licet. « 3. By the privilege of which, as above. On the night of the Nativity, in which all three Masses can probably be said before dawn, Suarez, Con., teaches. t. 4.

R. 236. contra cum .) ® » Thou mayest inquire whether it is permissible to read all three Masses in the night of the Nativity of the Lord before dawn? They affirm that Suarez says in part 80, chapter 4, section v. Thirdly, Lugo d. 10. n. 25. tr. 26. nu. 14. R. 35. With Vasquez, etc. Because (as they say) in c. Nocta sancta it is absolutely conceded that priests celebrate Masses in the Night of Nativity. But rather it should be denied with n. 372 n. 4. 134

n. 230. Reason, because this would be contrary to the express Rubric of the Missal, where it is prayed: “The first Mass is said in the night; the second at dawn;” the third during the day.

And today is present the decree of S. (according to which: "It is not permitted to celebrate successively in the middle of the night the Nativity of the Lord and another two Masses, and to administer the sacred Communion.") » If however anyone should wish to celebrate one Mass on such a day, there appears no reason why it should be celebrated rather than any other, as rightly says P. Concina, why the first should be celebrated rather than others. 344. — Add that five Masses can be celebrated privately after midday on a feast day if the solemnity is prolonged to an hour and more after meridian, as probably say Wiganclt t. i5. n. 52. et n. 35. cum. Vasq. Add 6. From the cause of the journey after midday (or before dawn), as stated on page 587, note 2. Wiganclt 1. c. et cum Soto, . . Sic etiam ex causa funeris alicujus Magnatis, ut n. 41. cum et Wig.

From the cause of public supplication, cap. 4. n. 4. and with Soto, S. Anton. Mire. Add 7. Si Episcopus dispenset in aliquo casu particulari ex rationabili causa; juxta quam facultatem possunt Episcopi etiam secum dispensare. Thus Lugo d 20. n. 27. Wig. l. c. cum Nao. p. 2. n. 225 habere eamdem facultatem omnes superiores secluso privilegio erga suos Religiosos cum sint eorum Ordinarii. > 545. — « 1.

Severe sin commits he who without any of these or just cause, either earlier in the morning or later after the midday meal celebrates; Sylvius requires an hour by deferring, thereby mortally sins through delay. See R. 34, where it notes that Religious can celebrate until three hours after midday, but under no circumstances after the third hour by word. See Bonaventura ibid. He asks whether it is lawful for each person to celebrate Mass before the ninth hour, that is, at the third hour after midday? Scotus and St. Anton affirm. Mire. Now.

Vioald. n. 14. et apud Escob. lib. 21. n. 354. qui cum; quia (ut dicunt) Sacrificium altaris correspondere debet Sacrificio Crucis, quod hora nona fuit consummatum. They say neither does the Church oppose contrary custom, because this has been introduced solely on account of the weakness of men who are unable to fast so long; hence it is not considered an obligation to have fasted, but rather a favor, which anyone may renounce. But today it must be altogether held contrary, as they teach in section 80, number 4, number 3, number 1, and number 7. Palau l.c., qui opinionem contrariam merito reprobabilem vocat, et n. 34. cum Ratio eruitur tum ex Decreto de Observand. in cel. Miss. etc., ubi sic habetur: «

Sancta Synodus decernit... » ut ordinarii.... edicto et poenis propositis caveant ne sacerdotes aliis quam debitis horis celebrent. Then from the universal custom of the Church, which is now to be observed as it has been prescribed by the rubric of the Missal as mentioned above, and furthermore expressly approved by Saint Pius V in his Bull beginning "SS. in Christo Pater," where the Pontiff prohibits "in virtue of holy obedience, lest anyone presume contrary to divine precepts to celebrate vespers for any pretext, even with licenses."

Therefore, the celebration under the vespers will not be excused by a grave fault, since such a celebration is declared to be presumptuous by the Pontiff and an expressed disobedience. Commonly however, the Fathers admit the triviality of the matter which excuses from mortal sin; and even from venial sin too, namely if the Mass ends somewhat before dawn and begins somewhat after midday: but they greatly differ in assigning such a matter. Azorius p. 1. lib. 10. c. 25. q. 5. assignat pro materia gravi tertiam horam partem; n. 6. mediam horam; communius vero et probabilius censent Syloius q. 83. art. 2. q. 4. n. 14. n. 6. q. 8. R. 1. Vioa ap. n. 2., qui non reprobat, et n. 34. cum Gab. et aliis censent non esse materiam gravem, nisi incipiat Missa hora ante auroram, vel hora post meridiem. Moreover, they very probably say here, S. 80, q. 4, art. 1. Thirdly, Merati p. 248 and Fill. tr. 5, c. 4, q. 7, n. 103, with others, interpret the privilege of celebrating Mass at an hour after midday or before dawn as understood to be one hour before or after the time mentioned above by the DD; they hold that this privilege is also granted even if it is not a privileged hour, otherwise the privilege would profit little.

As regards, however, the aforementioned small matter (namely less than an hour, as mentioned above), in celebrating after midday, some recent person said that it is not sufficient to excuse the deferral of the celebration until that time with a venial cause; rather, in addition, a just reason is required for celebrating at that moment, such as if it is a feast day, or because others are hearing Mass, and similar reasons: otherwise he said that the celebration would not be excused from venial sin. But this distinction or opinion has been handed down by no Author, and it seems altogether insubstantial to me and to others learned, because the same cause which permits a delay also permits the celebration then to take place. 347. — « 2. It is not a sin to celebrate before the said Prime, » or even if on account of infirmity you are unable to say the hours according to what is taught » and also in n. 43 and 44 with the common opinion); or even before Maturity, if there be a cause, without which it would be venial, as they teach » Fill. . » It is asked, what kind of sin it is to celebrate Mass before the recitation of Maturity? There are three opinions: The first says it is mortal, and this opinion is held by St. Anthony in the third part,

translated, book one, chapter six. Antoine p. 154. v. Secondarily, p. 363, q. 1, and others with Gao, pag. 3, tit. 11, num. 5, although Merati, f. 1, pag. 799, n. 7, says that Gao later elsewhere tempered his opinion.

They approve this sentiment from the aforementioned [authority] AA., according to a certain Constitution. Innocentius IV edita §38 LIB. VI. TRACT. III. ON THE EUCHARIST.

BUT as for anyone who would wish to celebrate one Mass on such a day, there appears no reason why it should be celebrated rather than any other [day], as P. Concina correctly states why the first one ought to be celebrated instead of others. 344. — Additionally, it is possible to celebrate a private Mass after the solemn one on a feast day if the solemn celebration is prolonged beyond midday until an hour and more, as Wigandt t. 15 n. 52 and n. 35 probably say. Vasq. Fill. Add 6. From the cause of the journey after midday (or before dawn), as stated on page 587, note 2. Wigandt l.c. et cum Soto: Sic etiam ex causa funeris alicujus Magnatis, ut n. 41. cum et Wig. From the cause of public supplication, cap. 4. n. 4., and with Soto, S. Anton.

Mire. Add 7. Si Episcopus dispenset in aliquo casu particulari ex rationabili causa; juxta quam facultatem possunt Episcopi etiam secum dispensare. Thus Lugo d 20. n. 27. Wigand. l. c. cum Nao. p. 2. n. 225, alliud eamdem facultatem habere omnes superiores, secluso privilegio, erga suos Religiosos, cum sint eorum Ordinarii. 345. — « 1. He gravely sins who celebrates Mass earlier in the morning or later after lunch without any of these or a just cause. Where 34 notes that Religious can celebrate up to three hours after midday according to their privileges, but not at all after the third hour.

See Bon. l. c., where it is asked whether it is lawful for each one to celebrate Mass before the ninth hour, that is, at the third hour after midday? Scotus and St. Anton affirm. Mire. Nao. . n. 14. et apud Escob. lib. 21. n. 354. qui cum; quia (ut dicunt) Sacrificium altaris correspondere debet Sacrificio Crucis, quod hora nona fuit consummatum. They do not say that it hinders the contrary custom of the Church, because this has been introduced only on account of the weakness of men who are unable to fast so long; hence it is not considered an obligation to have fasted, but rather a favor, which anyone may renounce. But today it must be altogether held contrary, as they teach in section 80, number 4, number 3, number 1, and number 7.

Palaus l.c., qui opinionem contrariam merito improbatam vocat, et n. 34. cum Ratio eruitur tum ex Decreto de Observand. in cel. Miss. etc., ubi sic

habetur: « Sancta Synodus decernit... » ut ordinarii.... edicto et poenis propositis caveant ne sacerdotes sacri aliis quam debitis horis celebrant. Then from the universal custom of the Church, which is certainly now to be observed, since it is prescribed by the rubric of the Missal as mentioned above, and furthermore expressly approved by Saint Pius V in his Bull beginning "SS. in Christo Pater," where the Pontiff prohibits "in virtue of holy obedience, lest anyone presume by any pretext, even that of a license, to celebrate vespers." Therefore, the celebration under the vespers will not be excused by a grave fault, since such a celebration is declared to be presumptuous by the Pontiff and an expressed disobedience. Commonly however, the Fathers admit the triviality of the matter which excuses from mortal sin; and even from venial sin too, namely if the Mass ends but little before dawn and begins but little after midday: but they greatly differ in assigning such a matter. Azorius p. 1. lib. 10. c. 25. q. 5. assignat pro materia gravi tertiam horæ partem; n. 6. mediam horam; communius verò et probabiliùs censent Syloius q. 83. art. 2. q. 4. n. 14. n. 6. q. 8. R. 1.

Vioà ap. n. 2., qui non reprobat, et n. 34. cum Gab. et aliis censent non esse materiam gravem, nisi incipiat Missa hora ante auroram, vel hora post meridiem. Moreover, they very probably say this, S. 4. v. 80. Thirdly, Merati p. 248 and Fill. tr. 5, c. 4, q. 7, n. 103, with others, hold that the privilege of celebrating Mass at an hour after midday or before dawn is to be understood as one hour before or after the time mentioned above by the DD; they also assert that even a non-privileged hour would be conceded, otherwise the privilege would profit little. As regards however the aforementioned minor matter (namely, whether it is a mere hour, as mentioned above), in celebrating after midday, some recent person said that it does not suffice for excusing the deferral of the celebration until that time; but rather an adequate reason is also required for celebrating at that moment, such as if it is a feast day, or because others are hearing Mass, and similar reasons: otherwise he would say that the celebration does not excuse from venial sin. But this distinction or opinion has been handed down by no Author, and it seems altogether unsubstantial to me and to others learned, because the same cause which permits a delay also permits the celebration then to take place. 347. — « 2. It is not a sin to celebrate Mass before the aforementioned First Hour, even if on account of infirmity you are unable to say the hours according to what is taught also in nos. 43 and 44 with common opinion; or even before Malutinum, if there be a reason for it, without which there would be a venial sin, as Fillastre teaches. It is asked, what kind of sin it is to celebrate Mass before the recitation of Matins?

There are three opinions: The first says it is mortal, and this opinion is held by St. Anthony in his third treatise, chapter six, section thirteen.

Antoine p. 154. v. Secondarily, according to p. 393, q. 1, and others with Gao, page 3, title. II. num. 5. although Merati f. 1. page 799. n. 7. says that Gao later elsewhere tempered his opinion. They approve this sentiment, as found in certain Constitutions, AA. præfati. Innocentii IV edita 140 LIB.

VI. TRACT. III. ON THE EUCHARIST. CHAP. III. 1254, and referred to the appendix. Tourn. 1. 1. p. 635, ubi dicitur: "Sacerdotes Missas celebrare priusquam officium matutinale complevant, non praesumant."

Item ex Rubrica Missalis titulum 1. de Prapar Sac. legitur: « Sacerdos celebraturus Missam, » saltem Matutino cum Laudibus absoluto etc. Item titulum 10. de defect. ubi videtur hic numerari inter defectus graviores. The second opinion does not acknowledge any guilt in this matter, and they hold this view. Mass. 1. 1. c. 7. §. 2. n. 3. Holum. 1. 1. pag. 447. n. 469. with Gob. and Cherub. also March. et Quarti according to Croix 1. 6. p. 2. n. 230. The reason for these is that no law appears under guilt commanding this: and the rubric is concerned only with counsel, not with command. The third opinion, however, is more common and probable, which they hold: part. 10, n. 14, c. cap. 37, n. 81, qu. 6.

Conciliarium I. II. p. 400. n. 11. Merati I. caput I. caput cum Soto, Syloquium. Bellarmine. Henry of St. Ignatius Croix 1. c. with Val. c. 4. n. 45. with Sylo. . Barbosa et al. This opinion teaches against the first objection that it is not a mortal sin to lack such connection between Office and Mass; hence, the recitation of Matins does not seem to be a necessary disposition for celebrating, since the priest can otherwise prepare himself by prayer: moreover, because this kind of grave obligation is neither expressed in the rubric nor commonly received under a grave burden. It teaches against the second opinion that a venial fault should not be excused from guilt, because in the rubric it is already counted among deficiencies; for those things which are reckoned among deficiencies cannot any longer be matters of counsel, and therefore they cannot be immune from any guilt. The aforementioned opinion is also embraced by Blessed N. P. XIV. in suo doctissimo Opere de Sacrificio.

Miss. 1. 3. c. 13. By this kind of venial fault, however, as correctly stated by Tournai 1. c. qu. 5. Cross 1. c., and any medium crisis caused by a reasonable excuse will be excused, for instance, if one gives alms and requests that the Mass be celebrated immediately; if the people or some important person expects it; if a superior commands it; if the time for celebrating passes, or if convenience arises due to study, travel, and similar reasons. 348. — But is it mortal to chant the conventual and solemn Mass before the Matutinum is said in the choir? Denies [or Negates] 1. 7. c. 2. d. 39. But n. 14. n. 8. Merati by way of page 799.

Bened. XIV, 1. c. et nu. 48. cum et aliis communiter et verius affirmant esse mortale, nisi intercedat justa causa (et gravis, et publica, ac sine scandalum, ut addit: ita ut aliter agendo graviter læderetur publicus Dei cultus, bonum commune, et conveniens regimen Ecclesiæ, praeter scandalum populi. 349. — « Resp. 2. Literally: Speaking per se, it is permitted to celebrate daily. I say this per se, because by a precept obliging under mortal sin we are prohibited from celebrating on the holy day of Friday (and also Saturday, in the treatise On Consecration, distinction 3, where it is cited; both these days must certainly be observed completely by all, that is to say, Friday and the holy Sabbath); yet not from receiving the Eucharist or giving it to others, as Hurt. de Sacrif. 4, d. dif. 3 states. Quintan. ex non licere ministrare nisi solis infirmis, veli t. 4. R. 237. p. 6. t. 6.

R. 19. et p. 9. t. 9. R. 24. that . etc. (This Decree is to be noted for daily use, approved by Innoc. XI, related from Croix 1:6 p. 1 n. 665, in which it is said: Let the bishops and parochial priests also take care that around the communion on Wednesday of Holy Week, both the Missal Rubrics and the usage of the Roman Church be observed. From which correctly infers Cardinal apud Croix ibid., n. 493 (quidquid dubitet Leand.) now gravely prohibits private communion even on that day. In the Lord's Supper, although by custom one celebrates and the rest communicate; yet for a reason more, several licitly privately celebrate, not however after the concluded Solemn Mass and the sanctuary hidden away, as it is willed in 22. disp. un. p. 7. n. 2. Although others do not admit this among them in t. 9. R. 24. On Holy Saturday others deny that it is permissible, as in 4th Question 3rd Article (who does not wish to be before the beginning of a solemn Mass), and Cardinal de Lugo, Book 1, n. 18, who adds that prophecies should not then be read because they are not part of the Mass; nor the blessing of the Cereals, nor even litanies, because the reason is the same.

See loc. cit. n. 20. and where it notes that this usage has but little weight. See also to. 4. R. 237. ubi cum Mercero contra alios permittit eo die ante Missam solemnem celebrare de Sancto incidente, vel votivam. 280. — It is asked, whether it is permitted to celebrate privately in the Lord's Supper and on Holy Saturday? They affirm Vioa q. 5. art. 6. n. 1. p. 129. tr. 6. R. 19. Cross 1. 6. p. 2. n. 231 et 234. cum . . c 4. n. 2 et 7. qui huic opinioni adhaerent.

However, regarding the Decretals opposed to this opinion, the Sacred Congregation responds that either they have not been published everywhere, or they have not been received everywhere. I too formerly

adhered to that same opinion; but now, having observed the most recent decrees recently published, I say absolutely that it is not permissible to hold what n. 341 says on p. 778. Antoine p. 490. q. 4. et Bened. XIV, Notij. 48. nu. 9. For concerning the divine institution of the holy Sabbath, there is a Decree of the Sacred Council of Rutenum (found among the titles of Monaceli, title 15). Form. 3. in fine) edited on March 11, 1600, where it was said thus: "It is not permissible to celebrate Masses on the day of Holy Saturday, in any churches and oratories, notwithstanding any contrary custom, as the same Sacred Congregation established by its General Decree when the Pope approved it. As for the day of Jupiter sanctus, there is another Decree prohibiting this, reported from Pittonio under number 1703."

But what is more relevant, all these Decrees were expressly confirmed by Pope LII. ON THE EUCHARIST. CHAP. III. Clement XI. (as it is read in the same Benedict. XIV, d. Notif. 38. et ap. Pitton. l.c. n. 1703.) By his own Decree issued on March 15 or 1712, it is declared: By this final prohibition on Holy Friday, His Holiness did not intend to permit private masses on the days of ordinary Saturday and Holy Sabbath, but only the solemn mass according to the Rite of the Holy Church; and this is confirmed by Decrees of the Sacred Congregation in the Index and by itself from Clement.

XI (see ibid., n. 632.) from which it was established that in the event of a feast day occurring, the rule is thus: Only private Masses may be celebrated on the feast of the Annunciation or of St. Joseph in the middle of the Lord's Supper, according to the judgment of the Bishop; therefore, priests cannot celebrate such a Mass on this day outside of this case. Therefore, given these standing Decrees, I do not see how the opposing opinion can today be sustained. However, when the Feast of St. Joseph and the Annunciation occur, On the day of the Virgin's Lord Supper, the Bishop will take care that some private Masses be celebrated before the solemn one; but if the Feast of B. V. occur at sabbato sancto, non possunt celebrari missæ privatae, et festum transfertur ad feriam secundam post dominicam in albis, juxta decreta sancti concilii apud merati tom.

I. p. 2. in Index n. 501 et 504. et n. 632. (V. Volume VII, page 146.) "1." At night of the Nativity, which nevertheless is not bound by this, the parish priest certainly may not celebrate three Masses, but he can omit some [Mass] according to his discretion. Diana page 4. tome 4. R. 236. Neither to communicate three times, "or to communicate once and celebrate twice," p. 8. t. 1.

R. 87. » " 2. If a Pastor have two Dissipated Parishes, Son. Card. de Lugo d. 20. n. 46. Now let it not be another who can conveniently celebrate in the

other [parish], as stated in no. 12 with the common. And this according to the Decree N. P. Benedict.

XIV, issued on the 16th day of March 1746 (See in his Bullarium, tom. I.) Wherein it is forbidden to the parish priest, still on account of poverty, to celebrate twice on a feast day; and this is granted only if there be no other priest in another parish who can celebrate. They say the same thing: when they allow this even on a weekday, so that the people (sufficient in number) might not be deprived of Mass, they say. A. 14. when Yet this is altogether condemned by Bened. XIV, concerning the Sacrifice. Mass. 1. 3. c. 5. n. 3. cum Decl. The same is referred to in n. 15, affirming the opinion of some that it is possible for a Parochus to celebrate the second Mass on a feast day for the dead with the present corpse, according to c. Consuliisti de Celeb.

Missal where it is said: "Excepting the day of the Nativity" of the Lord, unless a very great necessity entreats otherwise, suffice it for the Priest to celebrate Mass once on that day. And the Glossa says: v. Necessitatis, dicit: - Si celebravit missam de die, potest et aliam Missam dicere pro defuncto. » And that opinion he admitted, Blessed [one]. XIII in Serm. 6. de Purg. modo sacerdos sit jejunus; et non sit alius, qui pro defuncto celebret. However, the same Benedict subsequently in the Indulgence for celebrating three Masses, etc., beginning Quod expensis, given on the 26th day of August in the year 1748 (see in Bullario Tomo II.), there he in § Novam, near the end declared, that while the Parish Priest may sometimes transfer the celebration of a Mass for the people from Sunday to a day within the week, it is not permitted more than two sacred services to be performed on the same Sunday.

These are the words of the Pontiff: "And yet these things are not now commemorated by us, as if two Masses could even now be celebrated by the same Priest with the present body, when according to current discipline it is permitted for a Presbyter, after having celebrated Mass on one day, to celebrate Mass for the dead, if the body is present and being sung." 4. If before the washing [of hands] it is admonished concerning communicating to the sick, and he has already received his own host, nor should there be another priest. Syllow. » 20. n. 44. » (Or by practical way, as) » « 5. If on a feast day persons come who ought not to be omitted by the Sacred, for example,

King, or prince. » (Or Bishop, as the Saint teaches in chapter 19 against whom it is more probable to deny this for all, namely those who hold otherwise), although here he is said to be the last and not in use. See Bon. d. 4. q. ult. p. 7. number 9. C. de Lugo loc. cit. et c. 4. Chapter 14.

R. 65, ubi rectè monet, in his omnibus attendendum ad loci consuetudinem, quae fere omnes nunc sustulerit. » (As n. 19 with Bonaventure and others.) » » 382. — « You ask whether it is ever permissible to interrupt the Mass? « » d. 2. However, to accidentally break off or even to interrupt, by interposing something, is permitted in these cases. It must be noted that to mutilate a sacrifice from a deliberate intention is never permitted, even to avoid death; but to mutilate by accident, and indirectly sometimes, for instance, due to raging fire, or an enemy intent on killing; because then the priest could take the consecrated victim, or carry with him the chalice not having consecrated it: for in that case he does not mutilate the Sacrifice, but is excused from completing that. Thus 3. q. 3. p. 2. n. 2. and » 4. n. 103. with Garcia, Arao., and commonly. » “1.” For a sermon after the Gospel, or procession, to be preached.

383. — 2. At the advent of the Prince, or on the feast day when the crowd of pilgrims could otherwise not hear Mass, "or for a similar just cause from which, if the offering had not been made, it would be possible to begin anew, so that they might hear the whole Sacred Service (Cum. Ngo. c. 4. n. iii. And the same can be said to occur in the absence of an Episcopal priest, a Cardinal, or a procession of people, as cited by the aforementioned Doctors, even though they are not bound to do so, various authors teach, citing Sa, according to Bonaventure at the end of his work, page 7, number 9, who well advises regarding the standing of local customs. Henry however teaches that this is permissible only for a "finite" "Epistle, or "Evangelium." Si ante Canonem Sacerdos recordetur alicujus impedimenti, v.g. se non esse jejunum, vel in gratia, vel irregularem, vel excommunicatum (ita etiam cum S. Th. et communi; modo possit relinqui Missa sine scandalum, aut graoi nota, ut bene adhaerunt cum Conc. et), vel excommunicatus non toleratus praesumat interesse, nec possit expelli.

"384. « 4." If urgent necessity arises, whether one's own, such as illness; or that of another person, for example if a dying person is to be baptized or absolved, according to res. 78 cap. 3: in other Sacraments, however, it is not so necessary that interruption between consecration and reception be made except when the one about to die is near, nor would it be fitting to remove one's clothes; or unless the Sacrament of Penance could not be received due to frenzy. l. 2. exped. Returning to the Sacrifice, if the consecration had been performed before, he shall begin where he left off; so that even though the consecration may not have been completed and a short interval may have intervened, for example, less than one hour, but if a longer time has elapsed, it will be ordered from the beginning. Chapter 8. Section 7. "How is the Mass, which has been interrupted by one priest

and continued by another, to be supplemented?" If a Priest should lack [something] before consecration, nothing ought to be supplied by another, as Croix n. 547. with St. Thomas.

If however there be a deficiency after consecration, even of one species alone, then the priest should supplement it if he is fasting; but if he is not fasting, he should still do so, since a greater precept demands the integrity of the Sacrifice. Thus n. 107. with others, and Croix l.c. All things are contained in Rubr. n. 3. ex c. Nihil. 7. q. 1. And even the excommunicated and irregular priest should supply [the celebration], if others are lacking, and he himself can do so without great inconvenience, as Croix says in n. 550. However, it is more commonly held against Croix in 1. 548. He says; but probably, if the Sacred Mystery could be supplied by the same Priest, it would be better that it be supplied by him rather than by another, even though the latter might not be fasting. Croix concerning ## DUBIUM IV. ## Where it should be celebrated. §§6. And with what liberty outside the Church is it permitted to celebrate in necessity?

And whether at sea? — 357. When and under what circumstances is it permitted to celebrate in oratories by virtue of a dispensation from the Bishop? It is permitted I. in blessed chapels. II. in communities' chapels. III. in Oratoriiis erected in Palatiis Episcoporum. — 358. May bishops celebrate [Mass] in private houses? — 359.

Can they dispense so that at some time it may be celebrated there? Not. I. The privilege does not perish through the death of the Pope or anything, if the one privileged changes residence? Not. III.

On what days is it not permitted to celebrate in private oratories? And whether Regulars or Bishops may celebrate in private houses, besides the Mass granted by indult? — 360. Whether Religious may celebrate from privilege at any portable altar? — 361. Whether those who always commit mortal sin while celebrating in a violated Church? And whether they incur any penalty? — 362. Do the un-blessed oratories become polluted?

And is there any pollution in the Sacristy, Crypt, etc.? — 363. To whom does the Church owe reconciliation? 364. How the crime by which the Church or Cemetery is polluted ought to be notorious? When the Church is polluted through murder? Is an Ecclesiastical institution violated if a wound is inflicted within it, and death (or effusion of blood) follows without? — 368. When is the Church polluted through the shedding of blood, or of semen? — 368.

When through burial an excommunicated person, an infidel, or a heretic is affected? — 367. When through the destruction of the Church? — 368. How is it to be performed the exercise of a consecrated thing, namely, of the Church, altar, calix, and vestments? And see concerning the desecration of the Church. — 368. On the excration of the altar, and I. If the stone were removed. 2.

If it is broken. 3. If the tomb is stripped. Dub. 1. Whether the relics of saints are necessary for the consecration of an altar. Dub. 2. What if the seal is broken, or the tomb removed? — 370.

On the excommunication of calices. Dub. 1. Is the chalice execrated if the gold plating is destroyed? Dub. 2. Is a chalice newly inaurated in need of a new consecration? Dub. 3.

Is it permissible to celebrate with a chalice never consecrated? — 371. Of the excreration of your garments. §§6. — « Resp. Commonly, it is not permitted to celebrate, except in an ecclesia consecrated or at least blessed and not violated or accursed, nor interdicted. It is evident from Lugo d. 20 n. 48: I said commonly: because in a decent place and portable altar (which always requires submortal permission) with the license of the Bishop if he is present, or without it if he is absent (As stated in Ut ad certum etiam n. 54 with Lugo), it is permitted to proceed in the following cases: outside of which, if they are performed, they are considered mortal according to Fill. and n. 19 with common opinion). Contrary to Sotomayor and Suarez. First, if there is necessity, such as is deemed necessary, I. If Churches have been ruined. (And the people would lack the Mass, and thus it is said in Cap. Conceditur de) 5. 10 II. If the people cannot enter the solemn temple on a feast day. • (Lugo » disp. 20. n. 48. s. 2.)

Bened. XIV, concerning the Mass, book 3, chapter 6. when . In castris pro exercitu; sed festis tantum diebus. Stubble. C. de Lugo, etc. » It is permissible according to 9. t. 1. res. 44., even on non-festival days, to consider that permission should be granted to Generals and primary Dukes in their tents; (Nevertheless, in his case, and similar instances, the perpetual and possible license of the Ordinary must always be sought, as Lugo decrees on day 20.) » d. num. 48. et n. 49. cum . • (If those who cannot desert their ship are deprived of Mass on a feast day; . n. 54.

And although in c. Congruent de dicat Pontifex non licere extra Ecclesiam celebrare, nisi summa coegredi necessitas attamen respondent 55. cum et aliis minorem necessitatem sufficere ex consuetudine jam recepta ut est in predictis casibus quibus addunt Lugo d. 20. d. n. 48. et cum . VIII, and Paulus V from there teach that it is now permissible to do so according to

Lugo l.c. Limited however are the matters concerning res 40 in book 3 by Hurt. Mercer. With what caution it can even be conceded to a Bishop the faculty for this (for example, that a large multitude may not hear the Sacred Word, or that a dying person may not die without viaticum) teaches Gran. in Dian l.c., contra Con. et Tur. • (But Lugo approves on d. 20, n. 86.) • who alone wish to reserve it to the Pope, so that even . 9. t. 1. R. 45. where he adduces the Declaration of the Cardinals, by which it is commanded that bishops prohibit this. • (And as regards this there seems no room for doubt, as we shall presently say in the next number, according to Tridentine, where absolutely forbidden is the granting to bishops the use of a portable altar and permission to celebrate outside the Church. Moreover, it is certain that when the faculty is obtained from the Pontiff to celebrate on the sea, this is not solely for the concession of Clement.

Eighth, and as was said above regarding Paul V, but also on account of the Indulgence of Clement XI, as the Benedic peaceably relate. XLV, concerning the Sacrifice. » Missa l. 3. c. 5. et quo concessum fuit Equitibus Hierosolymitaniis anno 1706 celebrare in mari, hac tamen lege: i. ut adsit longa distantia a littore; 2. ut mare sit tranquillum; 3. ut assistat alius Sacerdos vel Diaconus qui, si quis concitetur motus, calicem firmum teneat. » « Secundum. By dispensation of the Bishops, on account of a reasonable cause, although they prohibit permitting this unless for just cause, in private oratories destined for divine worship, the holy name may be blessed. But Gao teaches that this power is now to be denied them; lib. cap. et tit. respons. 42. non obstante tamen hoc, posse eos in quocumque casu particulari ex justa causa permittere ut celebretur extra ecclesiam in altari portatili, docet idem cap. R. 41. ex March. Garc. 387. — It is questioned in which Oratories the Bishop of the Eparchy may grant permission to celebrate?

Formerly bishops were able to grant this permission everywhere according to cap. Missarum 12. from which it is taken: "We consider that the solemnities of Mass should be celebrated in places consecrated by the bishop, or where he himself has permitted." » Verum haec falcatas adempta fuit Episcopis circa domos privatas ex in Decreto de Gelebri. Missae ubi sic dictum fuit: « Ne patiatur, privatis in domibus, » atque omnino extra Ecclesiam, et ad divinum tantum cultum dedicata Oratoria, ab eisdem Ordinariis designanda et visitanda, sanctum hoc Sacrificium à Secularibus, aut Regulabus quibuscunque peragi. Therefore this Decree did not prohibit Bishops from granting permission to celebrate I in the blessed Oratory designated for sacred use, wherein a public assembly has access through a public street, even though it is a private chapel affixed to the house of some secular person; nor does it say that such an Oratory is private but rather public, as rightly stated in 5. a. 6. n. 5. and Croix l. 6. p.

2. n. 265 with Aversa, Quarti, Valdo: nevertheless, it can be celebrated even with closed doors in such an Oratory, for it is not commanded that it be celebrated publicly, but only that there should not be four walls separating the Oratory from other places; rather, a curtain may be hung as a fourth wall which can be opened for the convenience of those hearing Mass. Wherefore he who should eat there, or should put it to any other profane use in accordance with the manner accustomed, would sin mortally, because that Oratorium is truly a Church; yet venially, if ever, and without necessity, as the Doctors say. Good and Nor II.

In the Oratories erected in houses of Regulars, or of another community, as rightly says Tamb. de Meih. Cel. Miss. 1. c. 4. §. 3. n. 2. cum Lezana. Hence it is well that a Bishop can give permission to celebrate in the Orator's Hospital, Seminaries, and Custodial Colleges, as practice has it; for these houses are not called private. And the same Croix says n. 26, with Quarti, and Diana de Capellis erected in public carceribus: for Illsung ap says it. Croix l. 3. p. 1. n. 626. to consider the prohibition of Trent solely regarding private Oratories of laics or secular clerics.

Here begins Fagnanus. In his De Prio., n. 23., refers the Sacred Congregation repeatedly declaring that such Oratories of prisons, confraternities, hospitals, and communities are not comprehended in the prohibition of the Council, because these are Oratories fixedly dedicated to divine worship. And therefore in such Oratories whoever hearing Mass satisfies the penance, and from whomsoever Sa-148 LIB. VI. DISCOURSE. III.

ON THE EUCHARIST. CAP. III. priests can certainly celebrate Mass, and even every day from solemn days, according to the Declaration of the Sacred Congregation of Rites on September 2, 1661 (found in Merati's Index under number 3q2), where it was thus stated: "The sacrifice of Masses may be celebrated publicly in an Oratory constructed with permission of the Bishop on solemn days of the year, provided that it have all requisites either for a Church or for a public Oratory." Neither III. In chapels erected in the palaces of bishops, as is commonly said, tom. 20. litt. m. Merati ibidem n. 3. Renzius, l. 1, c. 3, Question 31, et Croix, loco citato.

In such matters, all can celebrate in the oratory and satisfy the precept of Mass, as declared by the Sacred Congregation of the Council on the 22nd day of the eighth session. R. 40. infne. Reason, because the house of the Bishop is not considered private, since it enjoys ecclesiastical immunity, according to c. 36. Caus. 17. q. 4. ubi dicitur: « Id constitutimus observandum, quod Ecclesiastici Canones decreverunt, et lex Romana

constituit, ut ab Ecclesiæ atrìis, vel domo Episcopi reos omnino non liceat abstrahere. » Wherefore it is taught by Blessed [or: Bened]. XIV, de Miss. lib. 3. c. 6. cum Brancatio et Cleric. hujusmodi Oratorii Episcoporum et Cardinalium quoad celebrationem Missarum gaude ferie iisdem privilegiis quibus Ecclesiae consecratae.

And the same is said by Vioaq 5. a. 6. n. 5. §. 2. n. 12. and Diana p. 6. tr. 8. R. 40. de domo rusticana, quam haberet Episcopus extra Diœcesim adhuc sine licentia Ordinarii et adhuc absente ipsa Episcopo, ut dixit Vioa; modo talis domus alteri non locetur; idque videtur admitti ab eadem declaratione S. C. apud 388. — Sed dubitatur I. Whether bishops can celebrate or have celebrated in houses where they find themselves outside their own domicile, even outside their proper residence, without the permission of the Ordinary and while the Bishop himself is absent? It is answered affirmatively from the last chapter of the Preface in the sixth part, where it is thus stated: "Since bishops and those superior to them frequently absent themselves from their own churches and dioceses, and cannot always conveniently approach the churches for the celebration or administration of Mass without transgressing against any day without a reasonable cause, we grant this indulgence to them by present constitution, so that they may have viaticum on the altar wherever they are, and celebrate or have celebrated there, without transgression of interdict." And although this reason for the concession is solely the absence of the Bishop from his Church, nevertheless Tumb rightly observes. Method. de Cael. §. 2. n. q. the concession to be universal without any limitation by distance in the expressed text.

Neither does it hinder the Decree of Clement XI, issued on the day fifteenth. December 1703 (reported at Croix, lib. 6, p. 2, n. 258), where this faculty was abrogated from the Bishops, thus: "In no way is it permissible to the Bishops and Cardinals either outside their own residence or in the houses of laymen, even within their own Diocese, to erect an altar and there celebrate the Sacrifice of the Mass, or cause it to be celebrated." For such authority was restored to them by Innocentius XIII on the third day of May, 1723, in the Bull of the Apostolic Ministry, where it was said: "Such prohibition (namely, that bishops not celebrate or have celebrated) is not to be understood as referring to houses, even secular ones, in which said bishops may perhaps receive hospitality by way of visitation or journey; so that when bishops are absent from their own ordinary place of residence for reasons permitted by law, or through a special license of the Apostolic See, and delay not thereby in an alien house as if it were similar to their own." Thus according to Merati t. 1. p. 2. Index 4g. This Bull was confirmed by Benedict XIII on the 17th. However, c. n. 10 from Portella noted that since such a privilege is

personal to the Bishop, other priests cannot celebrate in such private houses in his absence. 389. — Doubt exists 2.

Whether bishops can sometimes dispense, so that it may be celebrated in a private house oratory? By ordinary right, it is not permitted to priests to celebrate Mass, nor has it ever been permitted, except in places consecrated by the Bishop, or at least blessed by him, as is contained in canon (Felix Papa) Congruentia 11. dist. 1. de Consecr. But the case of necessity is excepted first, as expressed in the same text. Cases of necessity are: I. If the Church is ruined, as it is said in the canon. We concede 30. question 1. of the Treatise on Conscience.

II. If anyone a priest should undertake a long journey through desert places, or among infidels, as is found in that canon. We grant. III. When the Church is unable to accommodate the people, so that many would lack the Mass. IV.

If an army is found in camp, or a multitude of sailors on the shore of the sea; thus commonly DD. ap. card. in Const. 2. Urban V, no. 31, and in 5 [Decretals] concerning the Mass, no. 54. And in these cases any priest can celebrate outside the Church on the altar of the porch. He nevertheless notes 1:1:1:3: namely, he also observes that Castrop in tractate 22 on Sacrifice indicates: Miss. d. 1. p. 8. n. 1. quod cum casus necessitatis dubius foret, Episcopus bene dispensare valet, juxta dicta l. 1. n. 192, utque dicemus hoc lib. 6. n. 902. v. Otherwise probability.

Moreover, it is objected that when the Bishop dispenses in some particular case for a just reason, allowing the celebration outside the Church; for it appears congruent to allow Bishops, although today they lack the faculty of permitting at will what formerly they had, namely, the consecration of the sacred within private houses. Of Masses, Distinction 1. Here therefore, where: In places, in which the Bishop has properly commanded. And it was more clearly expressed in cap. In his, 30. de Prioil., where Honorius III decreed that the Friars Minor and Preachers could celebrate Mass on an altar outside the church without permission from the local bishop, because otherwise the privilege would have been useless to them, considering there are 150 LIB. VI. TRACT. III.

ON THE EUCHARIST. CAP. III. Without that, they would no longer be able to celebrate outside the Church with the permission of the Ordinary. "Yet (the words are those of the Pontiff), if for them it would confer nothing the remembered indulgence, without which Prelates amending themselves would not be allowed." » Whereupon he nearly observed P. Suarez tom. 3. in 3. p. d. 81. sect. 3. v. Secondly, when Syloestro, Soto, and Naqarro,

bishops, did not formerly lack this faculty of permitting celibacy assiduously and without any necessity, because (says Suarez) that was not a dispensation but an exercise of their own proper power. Then however this faculty was withdrawn from Bishops by the Tridentine session 22 in the Decree concerning celibacy. Nevertheless, commonly the Doctors understand this to mean a perpetual license for celebrating in the manner of a habit, according to the faculty which bishops previously possessed; but it is by no means forbidden to them to grant such permission as an act for some time, if there be a just cause.

Ita P. Suarez 1. c. v. Secondly, at the end, where after he has excepted the case of necessity, he says: "Furthermore, this faculty is by way of dispensation; yet the Council did not deprive the Bishop of the power to reasonably dispense in such matters, especially since it is truly morally necessary." He adds: "Finally, this use confirms it, because thus it is done without any scruple." The same is said by Bonacina on the Eucharist, d. 4, qu. ult., nu. 11, where he says: "The bishop can in some case, provided a just cause concurs, dispense so that Mass may be celebrated outside the church in an honorable place." And he cites Reginald of Beire, and from the Decretum, d. 1, q. 2, part. 1, n. 17, where writing a discourse on the opinion defended by some DDs and reported to us in book 1, n. 191 (which Bonacina does not disdain nor we, namely that the Bishop can dispense in all canonical laws wherein there is not expressly reserved dispensation from the Apostolic See), he says that this judgment has at least a place in those things which often occur and require dispensation; or if some grave necessity or great utility arises, and access to the Holy Seat cannot be easily obtained. The same holds for Miss. 1. 1. c. 6. n. 7., who advances this same reasoning, namely because, since such cases are frequent, it is morally necessary for Bishops to have this power of dispensing according to the aforementioned 1. 1 nu. 192.

The same teaches Barbosa in 23. n. 9., saying: « The Council speaks of the common manner of celebrating, but it did not, however, deprive Bishops of the power to reasonably dispense, provided there is necessity or just cause. » He also writes Escobar. vol. 3. n. 87., saying: "Such a dispensation with a reasonable cause should not be reckoned among abuses; hence, the Bishop can grant this faculty (of celebrating outside the sacred place) when a noble person is unable to go to church on account of age or infirmity, so that he may hear Mass and receive the Eucharist." The same holds. Tr. 5. c. 5. n. 3. « Non videtur haec potestas ab Episcopis ablata » occurrente casu necessitatis dispensandi, ut semel aut sæpius, quatenus rationabilis causa suaserit, in loco hominum destinato sed profanis usibus, super altare sacratum Missam celebrare liceat. "He says the same in Holm. tom. 2. de n. 3." » Moreover, it must be allowed for the case in which a

Bishop dispenses on reasonable cause so that in private buildings, for example, those of some sick person, Mass may be celebrated on a portable altar.

» They also say. Omission is also permissible in a case where the Bishop reasonably dispenses on account of some cause, so that it may be celebrated on a portable altar in private houses, for example, in the house of some sick person. Hurtad. And it is called necessity, speaking of dispensation, does not mean necessity of celebration, because this dispensation does not lack such necessity, as observed above in the prior exception; but it means necessity by which one who has been dispensed from celebrating, or to go to the Church, so that he may hear Mass, an imposition is made and a just reason for dispensing concurrs. Nor does the doctrine handed down obstruct the Decretum of Clement XI, which opposes P. Mazzotta, as neither do the Decreta of Paul V and Urban VIII, in which it is forbidden to Bishops to grant such a dispensation; for the Decreta are understood according to the Tridentine sanction, as Escobar says with Philiberto and Hurtdag. Specifically regarding a dispensation by way of habit, but not by way of act ad tempus for some particular case, when there is a reasonable cause for dispensing. And since after the Tridentine Decree there have not lacked authors, such as Soto and Emmanuel Sa, who said that it is not a grave sin to celebrate Mass outside the Church if it be celebrated in an honorable place, nay, Soto wrote (as Suarez relates in 3rd part, tome 3rd, decree 81, section 3, in the principles) that he would recognize no blame for always celebrating secretly and thereby avoiding scandal; hence perhaps the aforementioned Pontiffs are judged to have issued more urgent and clearer Decrees prohibiting this to Bishops. Then there is doubt as to when such a dispensation can be granted?

Salmanticensis dicit semel, vel bis; sed alii, ut Holzmann et alii, indefinite loquuntur, et intendunt concedi posse, durante infirmitate, vel alia causa accidentalis. And with justice they speak indefinitely; for the prohibition of granting dispensations is to be interpreted strictly, and it is to be understood (as we saw above) only for continuous permanent dispensations, not for those which are granted temporarily in respect to a passing cause. To these declarations, Gallemart refers in the Decree of 6th [session], where it was said: "The Pontifical Ordinary permits, out of personal necessity and considering the quality of infirmity, even for the convenience of the sick, the faculty of celebrating Mass also in private Oratories or altars designated for this purpose." The same [thing] is admitted by the Cardinal. Peter tome four in constitutions two. Urban.

II. n. 31, saying that it is well to grant the Bishop power so that in the

house of a sick notable man, a Mass may be celebrated as a sacrifice, thereby sanctifying and restoring the sacred through communion. And also added is that Ho-LIB. I. TREATISE. III. Unleavened Bread

CHAPTER III noriusIII. incit. c. In his 3 0: de priori verbis faciens delicientis celebrandi, fas suest in hac materia, benignam potius interpretationem faciendam messe. And if this permission is conceded to secular bishops for administering the Mass to infirm persons, lest the ministers of the word be deprived of it, as has been said above, much more readily is it conceded to priests, who often have some necessity for celebrating the Mass, according to what follows: "Let the bishops take care that on the Lord's days and solemn feasts the Mass be celebrated" (that is, the priests) at least. Therefore I wished to know whether a light fault could excuse that priest who was able to celebrate Mass daily (except one day in the week for devotion) and yet, without any just cause, but merely from idleness, abstained from celebrating; for priests not only celebrate on behalf of others, but also more especially for the good of the Church and the Christian people whom they minister as intercessors according to the saying of the Apostle: "Every priest taken from among men is constituted for men in things pertaining to God, that he may offer gifts and sacrifices for sins." » Hebr. 5. 1. Hence flows (as I have said) the necessity which the priest has for celebrating; and it is also more easily conceded by the bishop to priests the privilege of celebrating in their own homes, even during their own infirmity. It is to be noted I. that an Indulgence granted by the Pope to a private Orator has been conceded and endured even unto death; nor does it cease on the death of the Pope or Bishop who granted it, provided the one for whom it was intended did not himself die before the concession of the indulgence

See Cross I. 6. p. 2. n. 2 6 7. Notandum II. quòd si privilegiatus mutet domicilium in aliam diòecesim, non amitti Privilegium Oratorii, quodcum sit persónale, personam sequitur, quamvis requiraturnova approbatio Episcopi et nova inspectio loci, Croix n. 2 6 9. cum Sylo. Bon. . . Qui inspectio requiritur, etiam dum mutatur habitatio in eodem Oppido, ut bene agat Croix I. c. cum et Quintan. Whether a privileged person may have two oratories in one town, one in the town itself and another in the villa? Croix denies it indeed; but Pasqual affirms it in his own words, namely when there is no dissent, saying that if one is not privileged in this manner for transit and the place has already been approved as bimilliarium. III. Notandum: id quod habetur in Decreto magato à Clemente X Idie 15 Decembr. 1703, quod in extenso affert Croix I. 6. p. 2. n. 258, ubi sic dictur: « Nominis episcopi et complures regulares sub praetextu privilegiorum rumibi licere putant, quæ prohibitasunt. »

Regulariis de nobilibus personis privatis Oratoriis quæ certis quandoque ex causis ad Sedem Apostolicam conceduntur solent celebrare audereunt vel plures Missas quam indultum sit, vel absque praesenti personarum quarum con templatione concessio emanavit velex tra debitas horas et post meridiem vel illa etiam diebus quibus per Constitutiones Dioecesan as autetiam Decreta S. C. Concilium celebratur prohibetur, aut quae in ipsis Indultis Apostolis excipiuntur. Then it is declared: "In private oratories which have been granted by the Holy See, it is not permitted to any Regulars of whatever Order, nor to other whatever Priests, even if they are Bishops, to celebrate Masses in those on the days of Pasch, Pentecost, the Nativity of our Lord Christ, and other more solemn yearly feasts, as well as on days excepted in the Indulgence. But it is not permitted Regulars and whatever Priests, even Bishops, to celebrate in the aforementioned oratories on any of the previously mentioned days where a single Mass, which has been granted in the Indulgence, has already been celebrated: over which he who wishes to celebrate should diligently inquire and inform himself thoroughly." Etiam in his casibus permisis post meridiem celebrari nequeat; demandando ulterius in omnibus hujusmodi casibus personas quascumque dictas Missas audientes nullatenus præcepto Ecclesiæ satisfacere, etc. Ex quo deducitur 1. prohiberi celebrationem in oratoriiis privatis non solum die Paschatis, Pentecostes, Nat. Christi Domini, ut exprimitur in Decreto, sed etiam in die Epiphaniae, quinta feria in Cena Domini, Annunciationis, Ascensionis, Assumptionis B. Feast of the Body and Blood of Our Lady.

Peter and Paul, and all the Saints, according to the Decree of the Sacred Congregation of Rites published on page 17, number 2, n. 74), of which Clement XI spoke in the aforementioned Decree. However, it should be noted with Croix n. 271, 1, that when such an oratory is granted on account of infirmity, Mass can be celebrated there on all days, even those excepted; and thus decreed the Sacred Congregation as reported by P. Zaccharia in Croix l. 6, p. 2, n. 271, adding furthermore that only one Mass shall be celebrated there on the feast of the Nativity of the Lord. To be adverted: 2. that this proceeds only in private oratories, not however in public ones by license of blessed Bishops as we have said above, in which every day and even more solemnly can be celebrated; as is evident from the Decree of S.C.R. 3 Deducitur 2. 2. That if in an Indult it is said that one Mass shall be celebrated daily, no other Mass may be celebrated by any priests, including Bishops and Regulars, under pretext of privileges excepting only that Mass, as correctly they say n. 8. and Quarti apud Croix l. 6. p. 2. n. 268. et Tourn. Enchiridion 55, n. 6, contra Marchantium qui censet non vetari plures Missas celebrari nisi dicatur in Indulto unica Missa celebretur vel una tantum: quia ut ait to una non est particula taxativa prout si in fundamento dicatur volumus ut quotidie una Missa celebretur

in tali altari non ideo plures prohibentur Missae. This opinion, however, seems altogether improbable, for privileges or concessions against some prohibitive law strictly must be received; hence the word "una" is equivalent to "unica," and what is conceded for one time cannot be extended to many times; as if someone were to concede to someone the right to pass through his field once, he would not thereby have the liberty of passing many times. And this is clearly evident from the cited Decree, where it is disapproved that "Regulars dare to celebrate more Masses privately in Oratories than are permitted according to 154 L."

VI. TRACT. HIGH. THE LORD'S SUPPER. CAP. III. To them an indult has been granted. » Cum autem in Indulto una sit expressa Missa, qui plures Missas celebrarent, jam auderent celebrare ultra concessionem in Indulto expressam.

Nor is there any validity to the equality of the foundation; for elsewhere no more Masses are prohibited from being celebrated, nor could the founder prohibit them; but in private chapels another Mass cannot be celebrated, except that which is expressed in the Indult, since it is generally prohibited elsewhere to celebrate a Mass; hence it is the same when in the Indult it says one Mass, as one which is conceded by the Indult, for in both expressions the mind of the Pontiff is that no Mass can be celebrated. You will say: The celebration of multiple Masses is not prohibited with respect to the celebrations themselves, but with respect to the hearers, who in other Masses, after the first one conceded has been celebrated, do not satisfy the precept. To which I respond that the prohibition applies not only with respect to the hearers, but also with respect to the celebrants: first, because it is forbidden to all to celebrate Mass in divine worship instituted for other purposes than those consecrated by or blessed with episcopal blessing; second, because in the aforementioned decree of Clement two things are prohibited per se: that priests celebrate other Masses besides the one conceded to them, and that hearers satisfy the precept in those others. First, it is derived from those words: "It is not permitted for Rules and Priests, indeed also for Bishops, to celebrate in the aforementioned Oratories, where even the single Mass, which is conceded by the Indult, has been celebrated." The other: "By further granting in all such cases any persons whatsoever to hear those Missas mullatenus satisfy the precept of the Church." After these things written, I found the Bull of N. SS.

Pius Benedictus XIV, Magno, die a Jun. 1751, qua haec finita est; nam Pontifex ibi declarans gnomodo intelligenda sint hujusmodi Indulta, dicit: « Haec pro lege statuta fuerunt, quemadmodum ex formulis Litterarum in forma Brevis, quae conceduntur, coligere est... Nec plures in die, sed unica

tantum Missa in Ora- torio celebretur. » Therefore, the prohibition does not regard the listeners alone, but especially the celebrants, since in a private Oratory, it is forbidden for more than one Mass to be celebrated. You ask whether it is permissible to administer the Eucharist in private chapels without the license of the Bishop? It is certain that the Bishop can prohibit the ministration of Communion in a private Oratory, as declared by At si non adsit prohibitio, affirmat Clericat de n. 54, potitus ratione, quia per Tridentinum optatur, ut in singulis Missis fideles adsint et communicent sacramentum. Nor did Portellas dissent according to the translation in volume 4. R. 14., dicens, quod suscepsio Eucharistiae in Oratorio privato nullam injuriam infert Parochio, quando non fit de praecepto.

They indeed deny, Diana, Quarti, and Giribaldus according to Benedict. XIV, Notif. 29. n. 11., qui refert Innocentium III olim Romæ negasse licentiam quocumque nobili matronae communicandi in Oratorio privato excepto casu infirmitatis. They also deny Pignatell. Cons. 98. nu. 86. Pasq. de Sacr. Miss. a. 644. et P. Gattica c. 29. n. 6, quia ministratis DE EUCHAR.

AS IT IS A SACRIFICE. DUB. IV. The administration of the Eucharist pertains to the jurisdiction of the Ordinary, since it is an act of feeding the sheep; and therefore Regulars, in order to minister the Eucharist, had special privileges required. Hence, concerning the Sacrament of Penance, it is certain that it is not licit to minister that without just cause in a private Oratory, as is stated in the Roman Ritual regarding the Sacrifice. Penit. ubi dicitur: « In ecclesia, non autem in privatis aedibus (sacerdos) confessiones audiat, nisi ex causa ratiomabili; quae cum incidat, studeat tamen id decenti et ao patenti loco praestare. "This was confirmed in the aforementioned Bull Magna §. 20."

But how do private Oratories satisfy by hearing Mass therein? See what is said in the aforementioned book, 3rd part, n. 31g., p. 360. — “Tertio.” By the privilege which they say Minores have and those who participate with them in it; although revoked from c. 8, many wish for it, yet they deny it in t. 2. res. 80. p. 4. t. 4. Reply to 106. John. Salas, from Lugo, d. 20, s. 2, num. 51, probabiliter, et » . celeb. 1, 1, c. 3, §. 3, probabilius.

V. Baró. In c. Item Religiosi Societatis a Gregorio XIII ut possint tum in Missionibus cum facultate Superioris in quovis loco decenti, tum in domibus suis in loco honesto, a Provincialis designato, Missas dicere; in quo idem licebit aliis. » This judgment, namely that the privilege of Regulars regarding private Oratories has not been revoked as stated in q. 1 at the end and others, but this judgment is no longer probable today after

the Decree of Clement XI, promulgated on December 15, 1763. (as found in Croix lib. 6 p. 2 n. 258, as it well teaches on page 84 at the end with Anacl.; for in said Decree it is declared thus: "The privileges granted to certain Regulars and communicated by some Supreme Pontiffs to other Regulars regarding the use of a portable altar and celebrating without the permission of Ordinaries in places where they are permitted, have all been revoked by the same Tridentine Council." And the same was declared; it is said, however, on page 186, that this is to be understood only of private houses, not of their own houses, the Religious. But this is to be adverted to according to the Constitution on page 2 in the Index number 648, where it is thus stated: "Regarding the celebration of Masses in private Oratories, according to Clem."

XI Decretum (as supra mentioned), Bishops ought to take care that all things there established be observed everywhere: and an additional prohibition is added, lest in private cells or chambers of Regulars an altar be erected for the purpose of sacred rites... any contrary custom whatever being removed. 361. — "Dixi 2. non violata; quia in Ecclesia interiorius violata, nisi prius reconcilietur, non licet sub gravi peccato ut . 5. t. 5. c. 5. n. 7. ex Naon de Lugo l. c. n. 63.) celebrare, aut mortuos sepelire." ® (Ita etiam . 64. cum Lugo, et cum .) ® Quæritur, an celebrans in Ecclesia polluta incurrat aliquam poenam? Syll. v. Consecration, a. q. q., 10. c. 26. q. 16. et Graff. lib. 21. n. 366. dicunt incurrere suspensionem ab ingressu Ecclesiæ, ex c. Episcoporum de Pri- oil. in 6. ubi celebrantes in locis interdictis (ut ibi dicitur) ingressum Ecclesiæ sibi noverint interdictum. But they deny more proba-bly. Sect. 4. n. 6. Lugo D. 20. n. 52.

Bened. XIV, on the Sacrifice. Miss. vol. 3. n. 64. et Escob. loc. cit. n. 368. Reason, because the text does not speak of celebrants in a polluted temple, but rather one that is forbidden by a general interdict; however, it differs whether the temple is forbidden or whether it is polluted. So much less does it incur irregularity, as Escob. says correctly in XIV. ll. cc. contra Hostiensem, because the violation of the Church is not a censure by whose violation irregularity is incurred. I add 2.

Internally: because that which is done in a tower, sacristy, above the roof, or oven, in the crypt, under the floor (unless it be a receptacle or singly blessed), does not violate the Church. "(With n. 67 at the end with 'Addo 3.'" Unless it is reconciled: which should be done by the Bishop or Priest from a privilege of the Pope, as those Superiors of Regulars have to hold for their own chapels, according to Avila Diana notes on page 4. » « (With no. 67 at the end with — « (I add 3. Unless it is reconciled: which should be done by the Bishop or Priest, according to the privilege of the Pope, which Superiors of Regulars have for their own temples, as Diana notes

from Avila on page 4, p. 4. t. 4.

R. qi. si fuit consecrata ® (Modò adhibeatur aqua Benedicita à Episcopo vel à seipsis, si distet Episcopus duabus dietis, ut ait q. 6 cum aliis) ®, quod praesumendum est, si celebretur festum dedicationis. If however it merely » was blessed, a reconciliation can be made by a simple Priest through the sprinkling of blessed water; » (Nevertheless, the delegation from the Bishop should precede this, as noted by Palaus p. 8 n. 14 and is found in the Ritual c. 4 n. 66 and Palaus l. c. with.) XIV, concerning the Synod, book 3, chapter 15. » n. 2. in fin. ait: Si (Ecclesia) simpliciter benedicta fuerit, tunc idem Gregorius IX in canon. If the Church, in consistory, having no previous delegation, is by a simple priest, using blessed water which they call either holy or lustral, able to reconcile a polluted Church,) with the faculty of the bishop, or without it, according to the text 4. Res. 91.

It is also considered reconciled if a sacrifice has been performed therein, teaches canon law section 4 from Henry. Sa, et Diana esse probabile putat: negat autem Card. de Lugo de Euch. d. 20. s. 2. n. 62. " « (And with de Lugo they also judge it fitting to hold in n. 256." » number 13. v. Ado. 4. et n. 14. cum . See [what is to be said] n. 380.)˚ (V.

Not. Eighth, page 146.) "Now the Church is violated or polluted in the following cases, namely: yet not so, unless after the matter has been brought to light. . 5. t. 6. c. 5. " 364. — Unless publicly established as fact, the Church is not deemed polluted, even with regard to the person who has sinned: n. 67. and generally. Eibel, however, thinks and cites with others that for the pollution of the Church not only the notoriety of the deed is required, but also the declaration by a judicial sentence; yet I do not consider this opinion to be sufficiently sound, since it is contrary to the common doctrine which they themselves hold. Mazz. de Sacr. §. 2. . tit. c. 6. n. 441. Croix l. 6. p. 2. num. 289. tit. c. 5. qu. 4. qui omnes dicunt, sufficere ad pollutionem notorietatem sive juris, sive facti, et hoc patet clare ex c. Significasti de Ad ull. ubi ob notorietatem tantùm facti fuit declaratum, Ecclesiam esse reconciliandam. And from the same text clearly and equally it is deduced, as also say . 4. c. 3. n. 87. and Escob. de Missa Prob. 71. n. 308. with Nao. « 1.

Per factum in ea homicidium mortaliter malum, seu injuriosum saltem immunitati Ecclesiae, quale etiam est quod aliàs justum esset per sententiam Judicis; nisi tamen quod fit casu, vel ab amente; II. quod in suí defensionem; III. cujus causa data est extra Ecclesiam: quia requiritur ut vulnus sive causa physica fiat intra Ecclesiam. V. Quia si hoc factum fuerit extra Ecclesiam, non habet effectum ecclesiasticum; sed solum ad

remedium corporis et animae pertinet. Card. de Lugo d. 20. s. 2. n. 53. » It is asked whether the Church is violated if a lethal wound is inflicted within the Church without the shedding of blood, and death occurs outside thereof? They deny that death within the Church should follow, as is required, according to Card. de Lugo, d. 81, s. 4, c. 26, qu. 13, and Diana, p. 6, tr. R. 36, cum praep., they say. But more probably they affirm that Lugo on the 20th day, number 53 with the common, number 8, and number 68; and Escobedo in book 21, number 37 with the same, because the text does not require death within the Church, as it says there: "Murders can happen; sometimes wounds are inflicted"; then requiring reconciliation: thus from the text nowhere is required that death occur within the Church; moreover because sufficiency for the violation of the Church lies in a physical cause of death being given within the Church (we say physical, for well do Escobedo and Lugo II. cited not suffice to require a moral cause, namely a command or counsel of murder given within the Church); and thus also is the Church violated, as they say Lugo number 53 and with it.

Sylvestris. et tractatus sextus. sexto. R. 4; et Persicum apud) si vulnus fiat intra Ecclesiam, et sanguis fundatur extra; quia Ecclesia polluitur non tam per sanguinis effusionem quam per actionem injuriosam qua causatur effusionem: In textu autem cap. Si Ecclesia, de Consecratione Eccl., qui mox infra adducetur, ubi dicitur per sanguinis effusionem Ecclesiam violari, non requiritur effusio intra Ecclesiam unde semper si adest percussio injuriosa cum sanguinis effusione violatur Ecclesia vero dicendum ut bene ait Lugo dict. n. 53. si vulnus infligatur extra et intra Ecclesiam mors evenerit aut sanguis effundatur quia tunc abest injuria in Ecclesiam > 368. — « 2. By mortal and wicked effusion of one's own or another person's blood, or semen, caused or made within the temple. Wherefore it does not violate I. If a few small drops flow out; because it is not an effusion. » As even commonly Benedic peaceably says,

XIV, on the Mass, 1st question, 1st article, 3rd paragraph, point 7. Ebel concerning the same number 69. with the Dictionary on Consecration. The Church where it is said: If any church, whether consecrated by any seed or polluted by the effusion of blood, shall forthwith be washed with water that has been duly exorcised. Note the bloodshed which signifies a great abundance. » II. Si ex percussione vel vulnere levi, v. gr., narium in rixa puerorum, etiamsi copiosus sanguis effluat. » (Ita etiam Ebel loc. cit.

Lugo, n. 54., dicit quia in hoc communiter non est peccatum mortale. Nay, Sa, v. The Church number 13. Diana page 3. trans. 6. R. 24. et Sotus, Victorium apologia. Escob. l. 21. n. 372. they extend this [concept] even to adults, because blood flowing from the nostrils is not properly said to flow

from a wound, since blood easily issues from the nose.

But more probab ly Bon. de Matr. d. 6. p. ult. n. 20. and with Sylvio, » III. If it is made from the cutting of a vein. IV. The conjugal act, when excused from sacrilege. "(See what has been said about this. L. 3, nam. 458.)" V. Formicatio facta ab amente.

VI. Accused pollution; see de Lugo d. 20, n. 54 and 55, 368. — « 3. By burial of one who has been excommunicated and is not tolerated, or an infidel (whom this name does not comprehend a heretic, as taught by Cardinal de Lugo, l.c., n. 57), even of an infant, according to c. Ecclesiam de et matr. d. 4. q. 4. p. ult. ON THE EUCHARIST. AS IT IS A SACRIFICE. DOB.

IV. 15g 367. — "4." Through the destruction of the Church from the whole, or from a greater part (Parietum vel crusta, n. 18. Number 74. When it is said that and) ; although it is more fitting to be execrated than polluted; yet if only the roof is destroyed, or if it is successively demolished in small parts and rebuilt, . (Even though the Church as a whole may be renewed. . with Nac. . when the Church is polluted, the cemetery is also polluted; but not contrary to this.) Neither either through desolation, heretical exercise, spurious offspring of men or animals from these stalls, etc., even if it is fitting and has practice that through the Bishop, or at least the Priest with some ceremony be reconciled and cleansed: which in a similar case understand by the altar. . 3. t. 5. c. 5. 388. — What you ask: What is execration, and when does it occur? » Resp. Execratio is said when a sacred thing has lost its consecration so that it must be consecrated anew, which occurs when it is destroyed to such an extent that its form and use are lost.

Unde resolvæ: — « 1. A polluted Church, its fixed altars are also polluted: yet, a tried Church neither abhors nor opposes altars. The Church is execrated if the walls according to their greater portion are destroyed, or even if the crust of all of them is removed, or at least a major part thereof is simultaneously taken away. But otherwise, if one after another. V. Lugo d. 20. n. 56. (And this and also through the entire week- » the Church may be made to suffer all harm, so that . 8r. sess. 4. casu 6. n. 16. et n. 15. with Sylvester.)

"Sa, et." That is advanced, even if there be a mind for the total destruction of the Church, as he says: "Concerning the matter with Naaman... c. 369. — The altar is execrated i." If, when fixed, the consecrated stone is removed from the lower structure. Thus from c. Ad haec et c. Ligneis, de Conser. Ecclesiastici Understand this concerning the totally consecrated

table, namely that a sacrifice can be offered in any part of it.

Nevertheless, the altar is not execrated if some stones of its structure are removed, as it is taught in . 8r. sect. 5. n. 6. num. g. But rather Vac., because the text does not speak of the separation from the structure. This concerning the fixed altar; but the portable altar is very little execrated if the altar be moved from the timbers, or from the capsule in which it is enclosed; for that capsule has been instituted not formally, but solely for custody and ornamentation, so that it may rightly be said. VI. TREATISE. III.

ON THE EUCHARIST. CHAP. III. and A.N. The texts prohibiting separation speak thenceforth of a fixed altar. Note however the Decretum S.C. p. 2., in Index n. 303, where it was thus stated: "Having obtained an Indult from the Apostolic See for erecting a Chapel, if anyone wishes to build a wooden altar in his own home, he does not need Apostolic faculty; provided that the wooden altar be joined with sacred stone and partition wall, do remove it so that there is no wooden altar image present." See no. 424. 13: "Si ita frangatur (sive fixum, sive portatile sit), ut in nulla ejus integra parte calix cum patena possit consistere." (Otherwise, if in any part calix and patena with hostia can possibly consist, as no. 79.) Lug.

R. 3. from c. 3. de Consec. When the Church commands that the altar table be consecrated anew if it has been at least mostly severely broken, as §1. num. 3 says. Whether therefore an altar can be made from two stones joined together? They affirm; it is commonly and more correctly denied. If the tomb is robbed: which some nevertheless deny, as Lugo does, c. 5.

It is doubted henceforth. Whether the relics of saints are necessary for the consecration of an altar: The first opinion affirms this, which the Syrians hold. V.: Altare, Question Nonei., lib. 10, cap. 27, Question 8. Habert, t. 5, p. 704, quæst. 3, qu. 5. Armillae et cetera according to Escobar, I, 21, n. 421. It is proven from the Decretum Placuit, from which it is prescribed to remove altars lacking Relics: and the same is found in the concordance. Carthag.

V. chapter 14. It is proven 2. Can. 7 or 9 of the Second Council of Nicaea, where it is said that no Temple can be consecrated without Holy Relics. 3. It is proven from the custom of the Church, which is sufficiently indicated by that prayer which is said in the Mass: "We pray Thee, Lord, through the merits of Thy Saints whose relics these are, etc." However, the more common opinion denies that relics are necessary; and this is held by 81. sect. 5. n. 8. Lugo d. 20. n. 75. 5. cum Pa- norm. 5. art. 6. n. 9. . 143. n. 159. ac Escob. l. 21. n. 422. cum 6. p. 2. n. 306. et Merati t. 1. p. 2. p. 398.

Reason, because (as they say) nowhere is an express precept found concerning the placing of Relics; for that which exists in the cited chapter Placuit and canon 14.

Carthaginensis, dicunt non esse alicujus Concilii Generalis. That which is found in the Nicene Council, they say should be understood as referring to relics required in the Church, but not on every altar; at least such a precept, if ever there was one, they think, has been abrogated by contrary custom. To the prayer of the Mass, "Of Whose Relics," etc., they respond, understanding it under the condition that there be any. Nevertheless, his objections notwithstanding, I think that we should not depart from the first opinion, on account of the universal contrary custom, WITH REGARD TO THE EUCHARIST. AS IT IS A SACRIFICE. DUB.

IV. 16th which non-injustly Tournay considers confirmed from the fact (as he observes with Sylvestris) that in the ancient Missal it was prescribed to omit the said prayer in Mass if the relics are lacking; but subsequent Missals have abolished this exception; moreover, because of the Decrees of the Sacred Congregation of Rites, which will be adduced shortly below, where it is declared execrable the altar from which the relics are removed or the seal is broken; hence it is sufficiently established that relics are necessary for the consecration of an altar. And this was more clearly declared by another Decree on January 19, 1614, a.p. Croix l. 6. p. 2. nu. 2055. Decr. 143, ubi dictum fuit, permittere altare portatile lignenum, dummodo habeat reliquiarum repositoriuni. It is doubted whether 2. an altar loses its consecration if the seal is broken, or if the tomb with the relics is removed? By the name Sepulcrum is understood that receptacle in which the Relics are deposited: by the name Sigillum is understood that small stone with which the sepulchre is closed.

The first opinion denies it, and this is held by them. Sect. 21. I. . 134. n. 259. with Anacl. and Escob. lib. 21. n. 426. with the ap. Cross nu. 306. at the end, who considers probable with . 6: n. 9. They employ the same reasoning as above, namely, because it is not certain that the relics are necessary for the consecration of the altar. However, the more common opinion affirms the second one, and this is held by n. 371. 147. num. 376. with Pontas, Habert t. 5 p. 704 q. 3 c. cum Sylo. Angelus, Durandus. p. 9. nu. 6.

Reason why (as it is said, . And I deem this sentence to be inadmissible according to the Decrees of the Sacred Congregation of Rites, for on March 5, 1603, it declared thus: "A portable altar then consecrates when its paten is broken or moved in place, and the repository of relics." » (according to the Rite, number 148.) Likewise on March 5, 1623, it was declared: « It

cannot be celebrated upon the altar » from which, not removed nor broken, but secretly taken away, the relics were carried off by soldiers, unless the altar is anew consecrated. » (apud eumd. Pitton. num. 699.) Item die 21 Junii 1610 sic respondit: « Si altare fuerit consecratum ad modum altaris portatilis, non execratur in quavis remotione, sed tantum quando frangitur sepulchrum Reliquiarum. » However, Tournay and others say so.

Here incidentally another decree is to be noted. The Sacred College issued on the 10th day: where it was said: "If under the altar, or if the corpses of the dead have been laid at his steps, Mass is not to be celebrated there until they are transferred elsewhere." The same was confirmed on June 13, 1635, ap. However, Croix notes l. 6. p. 2. n. 2067., that if corpses are buried deeply in some cell under an altar constructed of formica, it does not seem to prohibit the celebration of Mass thereupon; for then the corpses appear to be situated below the level at which the Missal prescribes that they should not be found. IB. VI.

TREATISE. III. ON THE EUCHARIST. CAP. III. If separated from the altar, then at that time the words shall not fall upon them, of which these Relics are here. 370. — « 4. The chalice is abominated if it is notably broken, or so, that holes are made for use in the Sacrifice: e.g., if there be a hole at the bottom, although it be the smallest * (Not truly if there be a hole in the upper part, such that the chalice may still well retain the sacred species, g. 4. » when Diana is destroyed) or if the figure be demolished: yet not if the handle be separated from the cup, because in the paten alone is consecrated the cup, » as Bonaventure says in his fourth dissertation, chapter final, page nine, according to the question here below concerning doubt four. » Nor is it execrable if the gilding perish.

Whereas, although commonly the chalice and paten, after a new inauguration, insofar as they touch the part which corresponds to the body or blood of Christ, are again consecrated, yet this is not necessary, it is taught by Bonaventure and others, even though it is fitting that they be washed with blessed water. Thus Miscellaneorum rerum 3. and Decretalis 20. n. 94. "Dubitatur i." Is the chalice execrated if the gilding perishes? Affirmant Az. i. a1. n. 468. quia tollitur subjectum immediate consecrationis, eam totam unctio in superficie calicis fiat. They, however, deny more reasonably with the common sentiment of Lugo on the 20th day [of the month], number 94.

Sperer n. 399. p. 816. cum . It is filled and it is evident, because if the cup is not tornatile and its foot is broken, even though the bowl remains intact, the cup will be execrated, as all commonly say; therefore, consecration

does not consist solely in the surface, but in the entire cup. Dubium a. The chalice, which is newly consecrated, needs a new consecration? They affirm. Section 81, Article 3, Question 4, Article 19. Item from Vasquez. Silo.

Eng. n. 99, quia calix consecratur propter contactum sanguinis Christi; unde quando illius superficies non est consecrata, necessario requiritur ut calix de novo consecratus sit. They indeed more reasonably deny number 7. Lugo on the 20th day, note 95. Eibel n. 281. n. 6. Escob. l. 21. n. 473. cum Durando, et ap. p. 10. n. 12., adhaeret valde Ratio, quia eam sit communis doctrina, ut mox supra vidimus: quod calix, amittendo inaurationem, non amittat consecrationem; ita pariter consecrationem non amittit, si de novo inaurare, prout si Ecclesia consecretata de novo dealbetur, nova non indiget consecratione; ut communipler DD. sentiunt: aut si corporali lacero aliqua exigua pars aquaatur, haec etiam manet benedicta, ut clare infertur ex c. unico de Consecr., ubi dicitur majus dignum trahere ad se minus dignum. They object: although the chalice remains consecrated, yet that golden surface is not consecrated which alone immediately touches the blood of Christ; similarly, if a finer cup were placed within the chalice, it would not become sacred: For by the conjunction with the consecrated chalice, that surface is also made holy, and the whitening of the Church agrees therewith, and parts of the Body are made holy through addition, as is clear. Likewise, if unanointed oil is mixed into a smaller part of anointed oil, it is consecrated from the mixture itself, as is evident from c. Quod in dubiis 3 de Consecr.

Ecclesia ubi dicitur: «Non negamus, quin oleum non consecratum oleo consecrato possit commisceri.» Another reason is given for the cup inserted within another cup, which indeed is a distinct vessel and a golden surface, which becomes part of the same chalice, and makes one with it. Nevertheless, all these aforementioned things not obstructing it, when I had better considered the matter, I judged that the new performed inauguration of the Calix should be consecrated anew itself; for the reason that then the surface of the Calix, which has immediate contact with the Blood of Christ, remains without consecration; much more so because, as Barbosa and many others testify, such is the practice of the Church and received custom of re-consecrating Calices when they are again inducted. Casu autem, quo per longum usum inauratio deperdatur, puto probabilius dicendum cum Silvio et Ferraris non requiri novam consecrationem ad celebrandum cum hujusmodi calice; quia tunc viget ratio, quod calix semel consecratus totus deinde per modum unius consecratus remanet. When however a new inauration is made, there intervenes gold added anew, which is not consecrated immediately touching the Blood. Dubitatur 3.

Is it licit to celebrate with a never-before-used golden chalice? It is affirmed, 1st n. 3rd, because (as it is said) such use has been established; but this reason does not seem to hold today, since usage is now contrary from all sides. But this is considered probable by Croix 1. 6. p. 2. n. 346, along with others frequently as he asserts, perhaps led by another reasoning, namely because even though in the Rubrica title 1. on Preparation it is said: "The cup should be either of gold, or of silver, or at least have an inner lining of silver and gold-plated, and similarly the paten should also be gold-plated." However, in another rubric under title 10 on defects, section 1, it is thus stated: "The cup of the chalice should be either golden, or silvery, or made of stamme; neither woollen nor glassy, with no mention made of inauration; from which it follows that such a deficiency is not to be reckoned among defects." And in the first heading it could be required to demand only the inauration for congruity and greater decency, since there simultaneously it is expressly demanded that the cup be golden, or at least silver, and nevertheless, even in the second heading a stamneus [wooden] one is admitted. Others, however, as Tournely says to tome 5, page 815, and Lugo in day 20, number 90, say that it does not exempt one from venial fault to consecrate in an uncrowned cup, unless poverty excuse it.

And this seems more probable, since in the first rubric it is said that the cup should at least have an argentined and gilded lid, etc. This has been confirmed by common custom. Neither does it hinder the second Rubrica, where a wooden chalice is permitted; for this must be understood according to the text in cap. Ut calix 44., where a chalice of stamneus wood is permitted to be used for consecration, only on account of 164 LIB. VI. TREATISE. III. ON THE EUCHARIST.

CHAP. III. OF POVERTY; and it should not be thought that in this text the rubric sought to derogate from its own wording. Hence, in order that it may not be said that the rubric contradicts itself, it must be understood that the first rubric is to be interpreted according to the second, namely, requiring a silver chalice unless poverty excuses; and under the same limitation should it be understood when it requires immolation, namely, with the exception of poverty. Here it must be incidentally noted that the Rubric permits a caldron of tin but not of copper: Yet it is stated in this Rubric that no prohibition exists against a caldron made of copper or brass inlaid with gold; for in the quoted text, "ut calix," such a caldron is forbidden to the extent that it produces verdigris, which causes vomiting; but a caldron made of copper and inlaid with gold does not produce verdigris; and therefore it is said .. Doubt 4. Whether a chalice loses its consecration if the cup is separated from the stem? If the cup is fixed to the foot, it is certain that consecration will be lost; but if the foot be

revolvable, even St. Anthony affirms in his third part, title 13, section 5, and Paludatius in his first book, chapter 21, note 474, that because of separation the cup already loses its form. But commonly Suarez denies in d. 81, s. 7, n. 20. Lugo, d. 26, n. 93, q. 4, et cum Ratio, quia per talem separationem calix vere formam non perdit, cum ejus partes sine novo artificio jungi possint. 371. « 5.

Sacred vestments are detested when they are destroyed to such an extent that they lose their use; so that you cannot gird yourself with belts whose parts do not expand, or that sleeves may be separated from the alb, even though they might later be repaired. They do not lose it, even though some part becomes accustomed through attrition; or a belt that is fitted to a part may still be attached to another for use, because then the accessory follows the principal, Lugo, 1. 1. c. 3. §. 2. "(In the same manner they also say, Num. 94, with the common, §. 2." They say "n. 282. with and others frequently elsewhere." Whereupon they say . 82. Section 2 and 3, from note 26, notes 6 and 12, with Nao and Con, that corporal amends the benediction when it is rendered inept by diminution or fraction for decently containing a chalice with a paten: Alba, when its sleeve is severed: Cingulum, so cut that neither part can be worn: Stola, when it cannot cover the shoulders, and similarly if any part of it is severed, even though it is immediately repaired, because it has already lost its form. Similarly, if a stola or casula duplicated by easy separation becomes two pieces, each of which is suitable for the Sacrifice, they do not lose their benediction. Thus commonly DD.

with : d. 82 sect. 2. n. 94. and Sa ap. n. 8.) « 6. Parts avulsae à re consecrata, destructa ejus forma, desinent esse sacræ; v.g., ligna et lapides Ecclesiæ dirutæ vel altaris: ob respectum tamen ad rem sacram cujus sunt reliquiæ, non possunt applicari ad usus profanos aut vendendi sine licentia Papæ. Statues of the sacred and images of the temple destroyed should be placed elsewhere, and a cross ought to be erected in the place of the church. Likewise, paraments that are torn or worn out by age should be destroyed by fire and not applied to profane uses, as is stated in c. Altaris, de Vide. The Mass, and § 3 of exp. 1, from trans. 13, res. 76, teaches that it is probable that it is not even mortal sin if a changed form is applied to profane uses, for example, a chalice broken, a stole torn, fragments of the Body, etc. See above 1-3 tract. 1, cap. 2, d. 2 (See the aforementioned in book 3). Add to these what is found in chapter Ligna of de Consecret., dist. 1, where Pope Hyginus thus establishes: The wood dedicated to the church should not be attached to any other work, unless it is either to be burned with fire, or to benefit a monastery.

They nevertheless admonish, along with others, commonly, that such kinds

of wood should not be consumed in the kitchens of religious. Moreover, Syl. v. says. Benedictio q. 7. lapides Ecclesiae dirute in Religiosorum ædificiis collocandos esse, sed hoc nemo dicit eorum quos observavi, nec ullo textu video probatum. » You ask whether it is permissible for secular priests to celebrate Mass in the churches of regulars, contrary to the bishop's prohibition? It seems to obstruct the Decretals on Matters to be Observed in celebrations. Mass: where it is decreed that "Each (bishop) in his own diocese prohibit anyone from permitting Masses to be celebrated by a wandering and unknown priest."

But it can be replied that within their own dioceses; but the Regular Churches are exempt from the jurisdiction of Bishops, whence they are regarded as being situated outside the Diocese, as has been probably said in 1. n. 156 at the end. However, it is mentioned by Lezana in tom. 1. cap. 12. num. 41. v. Regarding the twelfth, the Sacred Congregation of the Council declared on June 2, 1620, that it is not permitted to Regulars in their churches to admit secular priests to celebrate mass against the prohibition of the Bishop. But whether such Declarations oblige as laws? See what has been said. Volume 1, number 106. Doubt V. What is required for Mass. Page 372. They are anticipated which are prescribed in the Rubric. — 373.

I. It is required to apply the consecrated. — 374. II. Triple map.—375. Dub. 1. whether two Mappa suffice, or one that is duplicated? Dub. 2.

Does a Mapa ought to be blessed? Dub. 3. Should a mappa as well as a corporal be made of linen? — 376. III. Sacred vestments, and secular ones. — 377. Dub. 1.

Whether it is a mortal sin to celebrate without Stole, Maniple, or Girdle? Dub. 2. Whether it is permissible to celebrate without any sacred vestments out of fear of death? — 378. Dub. 3. May Regular Prelates bless sacred vestments? Dub. 4.

May bishops delegate to others the permission to bless garments? (See also no. 381.) Dub. 5. Is the color of garments under precept? — 379. IV. The chalice and paten consecrated. — 380. If the chalices, vestments, etc., remain consecrated or blessed, by whom shall they be used if someone celebrates with them? — 381. May abbots be able to bless chalices, patens, and other things even for foreign churches? — 389.

To whom it is lawful to touch sacred vessels, corporal things, and vestments. Concerning the Pyxidium and its material, or the Calix. —384.

Dub. 1. Must a pyx be consecrated? — 388. Dub. 2. Does it debar blessing? —386.

V. Corporale benedictum. —387. To whom is it permitted to wash the Blessed Corporal? And whether the water for washing must altogether be poured into the sanctuary? — 388. VI. Ball line.

Is it a mortal sin to celebrate without a ball or one that is not blessed? And is it permissible to use two balls? — 389. VII. Purificatorium. Is this purification to be blessed? — 390. VIII. Missale.

May it be permitted to celebrate Mass either without the Missal or with a Missal according to a different rite? — 391. Ninth. Male minister. Dub. 1. What sin is it to celebrate without a Minister? —392. Dub. 2.

Whether a grave sin is committed by a priest celebrating with a female minister or respondent? —393. Is it a grave sin if a priest celebrates the sacrament with a female minister or respondent? —393. Crucified. Dub. 1. Is it a mortal sin to celebrate without a Cross or a Crucifix? Dub. 2.

Whether an altar requires another cross when adorned with a great image of the crucified? And whether the cross and other images of saints should be blessed? —394. XI. Waxes from wax. Dub. 1. Is it permissible to celebrate with candles made from fat, or oil?

Dub. 2. Does one search with one light? And is it with four candles that I seek? — 395. Twelfth. Antipendium, Pulellus, Bursa, Velum et Manutergium.—396. XIII.

Baldachin's nudity.—397. Dubium 1. Whether it is a mortal sin to celebrate with one's head covered? What if there is a reason for celebrating in such a manner? —398. Dub. 2. Is it licit to celebrate with a fictitious spouse? —399.

Are the rubrics of the Missal directives or preceptive? —400. Whether it is a mortal sin to omit lighter ceremonies in a notable part? And how much time is to be taken up in the celebration? Warning. —401. Do all the Decrees of the Sacred Congregation of Rites strictly oblige in regard to everything? —402. Is it permitted to celebrate with bare feet or with a staff, etc.? —403.

On the omission of parts of the Mass; and whether what is omitted should be repeated? —404. Concerning the omitted ordinary parts. —405. What

omission is mortal, and notably in the Canon? —406. What, however, is merely venial? —407. What mutilation is mortal? —408. Concerning the purification to be made of the chalice.—409.

Concerning the parts of the Extraordinary [Rituals] omitted; and notably concerning the washing of the hands.—410. Dub. 1. How shall those who are named Regulars sin in the Canon by naming the General as the Vice of the Bishop? And who is to be named Bishop? dub. 2. Does one commit a sin by omitting prayers before or after Mass? dub. 3. Does one commit a sin by omitting prayers for the dead before or after Mass? dub. 4.

Does a priest sin by not reciting at the Solemn Mass which is sung by the Choir? dub. 5. How does one sin by celebrating distractedly out of will? —411. How does the Priest sin by adding something extra in Mass? —412. Is it licit to say Mass before Matins and Lauds? Remissive to n. 347. —413. Concerning those things which are to be said in a low voice or rather under the breath. —414. dab. 1.

If he sins while celebrating so submissively that he does not even hear himself? —415. dub. 2. Does he sin by reciting submissively what should be said aloud? —416. Is it a mortal sin to recite submissively what is meant to be spoken otherwise? —417. Whether and when it is permissible to taste the Mass? —418. In which days are Votive Masses prohibited? —419. In which, however, are they permitted?

And then can such things be freely spoken everywhere at that time? —420. What. Whether it is a mortal sin to say Mass on days forbidden for doing so? —421. What. II. For what reasons can Masses be said as votive masses on those days?

On account of necessity publically. 2. If in that Church there is celebrated a double Feast. 3. If it is exposed SS. Sacramentum. 4. If there is a suspicion that the body has decayed, or if it is to be said that the Anniversary Mass is to be celebrated. —422. What.

III. An obligated one to say Mass is de Eucilia. AS IT IS A SACRIFICE. DUB. V. 167 does it suffice for you if he says his own plea? — 423. What.

IV. What should be noted regarding the manner of speaking about votive Masses? And I. Concerning the number of prayers. 2. Concerning Masses having a particular introit, etc., 3. On Masses granted to some Order or in their stead for the Saints.

Of the Mass of the Saints. Concerning the Trinity, the Angels, and the Holy Spirit, there are some notable decrees regarding the celebration of Masses. Here incidentally it is questioned why it is permitted to expose the Sacred Species. Sacramentum. v. It refers. Then it is asked, to which churches the Sacrament of the Eucharist can be reserved. ibid. v.

Here at the last place. 372. — BEFORE everything, this refers to noting the Rubric of the Missal, which pertains to those matters that are to be individually discussed below. The rubric on page i, title 20, is thus stated: "Altar, upon which Pallium is also adorned with a color, so far as it can be done, on the feast day or office suitable." Upon the altar there shall be placed a cross in the middle, and candles saltern two with lights kindled from hence and thence on either side thereof. At the foot of the cross is fastened a tablet, covered with the Secretarium: at the corner of the Epistle we are to place the Missal, and from that same part of the Epistle let a taper be prepared for the elevation of the Sacrament; a small bell, a glass ampulla of wine, and water with a pelicle, and a handkerchief, arranged in the window, or on a small table prepared for these things. Upon the altar nothing at all shall be placed which does not pertain to the Sacrifice of Mass or to the ornamentation of this very altar. 373. — « Resp.

These following: I. And indeed, under a grave requirement of the sacred legion it is necessary that an altar consecrated by a Bishop, or an Abbot (for these altars, chalices, and bells can be consecrated even for use in alien churches, teaches 3rd book, 2nd title, 15th chapter, with Barbos and others 4th from the declaration) or by a privileged Priest, whether fixed or portable: both however should be entirely of stone as regards the uppermost table which is consecrated; and it must be so large that it can contain a chalice with its paten. It is not sufficient that the Hosts be consecrated on the altar while they are being consecrated; but also, during the time of the Sacrifice, they should remain there both in small and large numbers, neither being placed elsewhere, even though it may be upon some other corporal object, for instance, because of the narrowness of the place: « (Therefore, it is not permitted to place consecrated Particles outside the Altar before Communion, as commonly Tumb. lib. 1: cap. 5. §. 1. n. 4. nu. 79. with Lugo. Diversum autem est post Communionem, ut Croix lib. 6. p. 1. n. 310. cum Açers. et communi contra Vasq.) quia omnes sunt unica victima, et per modum unius offeruntur. Wherefore the rubrics of the Missal desire them to be placed above corporals, either before or after the chalice. Hence also those rightly do, who having completed the Consecration, straightaway give to another Priest for distribution to the people the lesser hosts consecrated by themselves, because, as it is fitting, the Priest should not offer from his own host before he himself has received; so too with regard to others, since they are one victim and one

host, all prayers, oblations, and blessings following upon them do no less regard the smaller hosts than the greater, that the victim may be perfectly and completely offered by the Priest's assumption. Card. de Lugo, qu. 20, sect. 2, n. 69.

However, him who has acted otherwise, at least from a mortal sin, and even if necessity demanded the distribution of Communion to the people, he is entirely excused. 5. On Expediency of Sacrifice, cap. 5. 374. — “ II. Mapa linea triplex; etsi enim secundam quosdam una duplicata, imo secundum Sa, Angel. Question eighth, article fifth, chapter five, number seventeen: one simple sufficiency is adequate in necessity; nevertheless, the Roman Missal, by the authority of Cardinal de Lugo. That it may be blessed is by no means necessary; as Sylvestre states. Wherein it can be applied in necessity for common use and for other purposes. c. 378. — Let us repeat here what is prescribed in the Rubric of the Missal, as above concerning Mappas: "This altar shall be covered with three maps, or tablecloths clean, by the Bishop or by another having the power to bless them, at least one being superior and oblong, reaching down to the ground (which however today is not in use), two others shorter, or one doubled."

But there is doubt 1. Are two Mappae sufficient, or one duplicated? Suarez affirms in dist. 21, sect. 6, n. 11, n. 1: with Sa [i.e., with Saint Thomas], and even if these two mappae do not cover the entire altar: The reason, as they say, is because such is the usage. However, I think it should not depart from the rubric, as Seneca Lugo states on day 20, number 6, question 9 (where he says that holding an opposite opinion is not safe), and in question 5, and Escobedo in book 21, number 434, who, together with Angeli and Acersi, marvel at how some Doctors do not notice this obligation after the aforementioned rubric prescribed by Clement VIII. So much the more, because in the title concerning defect §. 10. n. 4. The Rubric among other things enumerates this defect: If the altar is not adorned with three mapps.

They say probabiliter however that to celebrate without any Mappa at all is not excused from a mortal sin, as commonly teach the Doctors in the passage c. cum P. n. 19, who add conversely that no sin is committed if there be grave necessity for such celebration. Dubium. 2. Whether necessary Mappæ should be blessed? Negan et al. 1. c. 6. §. 2. n. 2. et consentit Wigandt tract. 15. n. 63., dicens: benedictionem fieri tantùm de decentia. Reason, because (as they say) it is neither guarded by any law nor observed by custom. This sentence does not seem improbable on account of the authority of these AA. praeser De Euchar.

consuetudinem esse in contrarium. Nevertheless, this notwithstanding, I adhere more to the opposite opinion than to what is held in the first book of Sentences, chapter 28, question 8, note 25; and in question 9, question 5, with Paschasio. Gaun. q. 1. tit. 20. Reason, because in the rubric (as above) it is so prescribed, and in the title concerning defect n. 4 it is numbered in the same manner to apply vestments that are not sacred for defect, as well as unblessed mappas.

Such a defect, as Escob. and Roncag. with Pasq. probabilistically state, does not exceed venial fault; hence Tourn. with Gaov. correctly teach accordingly. Sylo. et Quarti II. cc. nullum esse peccatum uti Mappis non benedictis in necessitate, puta (ut ait Escob.) si adsit dics festus, et non possint haberi benedic- ta; sed minorem causam sentio excusare, cum ad excusandum a veniali sufficiat quaevis causa rationabilis. Doubt. 3. Whether a Mappa and Corporale should be made of linen, or whether it suffices for them to be made of hemp? q. 9. . 81. sect. 6. Fill. tr. 5, n. 125, say absolutely that it should be made from linen, and they approve this from c. Consulto 46 where it is said thus: "No one shall celebrate the altar sacrifice in a silk cloth (i.e., corporal, as explained by the Glossa), or even in a dyed one; but in pure linen consecrated by the Bishop, i.e., linen woven." » And from c. 27. dist. 2. de Consecr., where Mappa are called lintea, namely made of linen.

But it is more probative and commonly sufficient to be made of reed, hold Bon p. 9. n. 24. et Croix n. 323 cum Gob. item Tab. et n. 446. Reason, because cannae and linen are indiscriminately taken according to common usage. 378. — « III. Under a grave sacrilege, sacred vestments, that is, those well-» designated by the Bishop or Priest having a privilege, are to be at least given Superiors of Mendicants, or Prelates. V. 1. c. 3. §. 2. exped. sacr. Whose colors, however, are not a precept, but a direction, notes t. 14. » R. 57.

In grave however necessity, although it may be fulfilled if a Mass can be omitted without scandal, its obligation to hear or celebrate the Mass then ceases, it is permitted to celebrate without stole, or with handkerchief, or even to use an unblessed girdle, or if broken to reconnect it, or to use stole instead of handkerchief, or handkerchief instead of stole, they teach. 4th tome. 5th chapter. 6th section. R. 57 and 67 against l. 5. c. 5, which nevertheless permits celebrating Mass in necessity without one or another of the lesser things, for example, with a stole or a girdle, not to be mortal sin. See t. 5. R. 62. ubi contra g. qui celebrat cum cingulo non benedicto, vel ejus loco aliam ree utitur. Finally, according to Escob, it is permitted to celebrate without sacred vestments and altar at times out of fear of death or of very great damage, provided that it not be done in contempt of

Religion, as taught by law 1, chapter 11, question 11. E. 2.

c. 2. de exped. Sacrif. Thus permitting even without any, even more grievous, LIB. VI. TREATISE. III.

ON THE EUCHARIST. CHAP. III. » yet not without all things happening for scandal and irreverence. V. t. 6. Resp. 48. and pp. 5. t. 3. Reference 39.

But it is not prohibited to make such sacred vestments from profane materials, for example, a planet from a female secular garment. » Sacred law, book 1, chapter 2, section 4, which admonishes in book 1, chapter 1, section 1, to beware that they do not become very worn; so that also the remaining sacred furnishings may not be very imperfect, in which a serious sin can easily be committed . . c. (in c. » Relinquendi, de Gust. Thus it is understood concerning the Eucharist: We command that the oratories, corporeal vessels, and garments be kept clean and well-maintained. » Notat autem . n. 1. ex . As for the use of bodily and other paraphernalia that are not excessively dirty, it is only a venial sin, nay, no sin at all, if others cannot be had; as Croix n. 336 states with reference to . 11: one does not commit sin by using even notably dirty bodily things in necessity, namely, if oneself or others ought to omit something else Sacred concerning the precept. Even sacred vestments, though worn out, are used for profane purposes with mortal sin, as they say in section 81, chapter 8.

Sporer n. 414. et Wigandi tr. 15. n. 62. ex c. 39 et 43 de Vestes tamen sacre in usibus profanis adhibita non amittunt benedictionem, Sporer, et Wig. ll. cc.) Censuit Walfridus c. 23 primis temporibus Missas lectas esse a Sacerdotibus in communi indumento; et Honorius in Gemma l. 1 cap. 89 fert S. Clementem sacrarum vestium usum decreuisse. But Baronius, Raynaud. Bona, W aldens. etc. ap. n. 6. sentiunt etiam Apostolos usos fuisse peculiaribus vestibus in Sacrificio; atque ex hujusmodi vestibus putant ibi. Calmet, Visconti, etc., consideravit Penulam esse illam quam memorat D. Paulus in Act. 16. 377. — Certum est autem apud omnes mortale peccatum celebrare sine ullis vestibus sacris ex cap. Vestimenta de et præsertim procul dubio sine casula vel alba (vide dicta n. 289.) Sed dubitatur I. Whether he commits a mortal sin by celebrating without a stole, or maniple, or girdle? They deny the penitential character.

Silo. Henry and I, 1st part, 21, note 483 (who calls this a probable thing) because they think that this is not a serious matter. But speaking about the stole and the maniple, it is more to be affirmed according to common opinion than otherwise, as stated by Tractatus 5, Caput 5, n. 147 and 148, n. 17, n. 27, 1 Caput 3, § 1, n. 3. Diana page 2, treatise 14. R. 57. and with Vasq. Reason, because if either one of those two garments, which are

commonly esteemed as greater, is lacking, the worship due to the Sacrifice is deficient.

The same must be said with the same AA. regarding the celebrant with a stole or maniples not blessed. Nevertheless, grave necessity is probably excused, as teach the learned doctors. Wigandt tr. 15. n. 62. et . 260. cum . The same as what is said about the stola and manipulus, they consider to apply to the cingulum. C. N. 84. Similarly, Vasq. Villalob. tr. 14. Response 68.

But they probably deny that there can be a mortal sin without a bond from EUCMAR. AS IT IS A SACRIFICE. DUB. V. 171 celebrate, or not blessed, q. 5. Syll. v. Mass 1. n. 2.

They suppose at the same place and consider it probable Lugo, day 20, number 102, number 82, and Diana, part 2, treatise 14. R. 68. with Scotus and Palude. Hem. with. Pasq. de celebrante sine anictu, saltem pro eis qui illo non uiluntur ad te-gendum caput, sed tantum humeros; et consequenter probabile est, ut ait cum Diana, nullum esse peccatum celebrare sine cingulo, vel amictu, si desint, et adsit aliqua rationabilis causa celebrandi, nempe fervor devotionis, vel opportunitas eleemosynae Sacerdoti non diviti. Dubium. 2. Whether it is permissible to celebrate Mass without any sacred vestment out of fear of death?

The first opinion affirms this, provided contempt is absent; and this except for At. tenent. 5. tr. 5. c. 6. n. 17. Fourth part, first title, question fourth, doubt sixth. Escobar. 1. 21. n. 489. Sylvius in p. 822. v. Whether, Diana page 3, treatise 6. Reply 48. with and 6. page 2. note 339.

Reason, because sacred vestments are required only by the precept of the Church, which does not oblige to such great expense. The second meaning, which we follow, denies this and holds it to be so. 82. s. 3. v. Secondly, from the Missal, First Book, Chapter Three, Section One, Number Six, with reference to the chapter of Merati, Question One. R. 3. nu. 13. item; tum quia id non potest fieri sine scandalo, aut saltem sine magna irreverentia; qua-propter hic subintra praeceptum naturale reverentiae in quocum-que casu debita Sacrificio, a quo praecepto metus mortis non excusat. Whether, however, on account of such a fear it is permissible sometimes to celebrate even without any vestments, even the greater ones, such as the stola or manipulus? They do not unreasonably affirm with contemptuous seclusion, that since Fug. 11. cc. favors this, it does not seem to be such a great irreverence that the celebration cannot be considered fitting on account of the fear of death; see the aforementioned articles n. 377 and 378 shortly — Dubit. 3.

Whether regular Prelates can bless sacred vestments? It is certain among all that they can provide for their own churches, from many privileges granted to them accordingly. For (as it is referred to in 1.c.2.§.2.n.5.) likewise Leo X imparted this privilege through a Bull to the Friars Minor for their own use alone; and Sixtus IV confirmed that, excepting corporals; but XIV, Not. 21 n. 19., by the Decree which begins with "Sacrorum Ritum," indefinitely granted the faculty to Abbots of blessing ecclesiastical furnishings, solely for their own churches. Dubitatur autem inter DD. an prælati regulares possint etiam benedicere pro alienis ecclesiis? 172 LIB. VI. TREATISE.

III. ON THE EUCHARIST. CHAP. III. The first proposition denies this, and those who hold this view are found on page 882, verse. But when 19. n. 22. Merati, t. 1, part. 2, pag. 1325, n. 27, et Bened.

XIV. Notif. 21, n. 14, ex Decretis S. C. Rit., die 24 Aug. 1609 (apud Gao.), ubi dictum fuit: « Superiores Regularium, neque Abbates posse benedicere pa- ramenta Ecclesiarum non sibi subditarum. » The second opinion, however, affirms this, and they hold it, as stated in n. 83 with n. 261 from the privilege of Innocent VIII. The same opinion is held in c. n. 7 with Marchio, and . C. quia constat de privilegio, non verò de ejus revocatione.

Translation: C., because it is certain concerning the privilege, not however concerning its revocation. But notwithstanding this, the first judgment must entirely be held according to the aforementioned Decree. Alexandri VII. (quod Merati et noster Papa Bened. l. c. referunt) in quo sic sancit: "Prælati inferiores Episcopis, qui Pontificalium usu fruuntur, Ecclesiasticam supellectilem pro servicio dun taxent suarum Ecclesiarum vel Monasteriorum benedicant." It was likewise declared there: "The remaining Pontificals are subject to the Abbots outside their own places, or for the service of a foreign Church, or even for subordinates who are also foreigners; and they shall not exercise the permission of Ordinaries in matters such as blessings of campaniles, calicium, and similar things in which sacred anointing is used, nor minor orders' conferrals." » At quia prædicti Prælati recurrebant ad privilegia pro benedicendis paramentis etiam aliarum- Ecclesiarum, S. C. habita coram eodem Alexandro VII. On the seventh day of July in the year one thousand six hundred and sixty, it was commanded that an authentic indult be exhibited, and in the meantime to abstain.

But this Indult, as Benedict attests, was never thereafter exhibited. Not. IX, p. 146.) Doubts. 4. Whether bishops can delegate to others the faculty of blessing sacred sacraments? They deny. Miss. 1. 1. c. 3. §. 2. nu. 4. et tit.

19. nu. 23. cum) affert de hoc Decr.

S. C. R. die 14 Nov. 1615, ubi dictum fuit: « Nec episcopus potest » absque licentia hanc benedictionem aliis delegare. The reason is because this blessing pertains to the power of the Order, whence it cannot be delegated by the Bishop, but the power of jurisdiction can be so delegated. But it contradicts 5. n. 33. de dicens 1. Because concerning this Decree it is not authentically established. 2. That such a Decree is not commonly received as useful, especially in Rome, where the Vice-legate, exercising his ordinary authority, delegates to any priests whatever this faculty at random. That this blessing is not of Episcopal order, but of Priestly order, and therefore it can properly be delegated by the Bishop.

Added above on page 1, number 1. with Peringham in Jus Can. l. 1. tit. 29. n. 54. Bishops can properly delegate what competes with them by virtue of a special privilege on account of dignity; for since the power is annexed to the office, it passes into the ordinary jurisdiction. Nevertheless, I do not acquiesce to this opinion, since nowhere have I heard that bishops have delegated such a faculty to others: on the contrary (as Gae. states), many bishops themselves sought to obtain that from the Sacred Congregation; and Benedict XIV, when he was Archbishop of Bologna, obtained this faculty for five years, as he himself testifies in loc. cit. Dubit. 5. Is there a color for vestments by precept? (According to the Rubrica Missalis on page 1, title 18, number 1, it is thus stated: "The paraments of the altar, the celebrant, and the ministers should be of a color suitable for the Office and the day's Mass, according to the usage of the Roman Church.") Tambur denies this in his book 1, chapter 3, section 1, number 1. Fourth page, title 18, doubt 1. Diana page 2, treatise 14.

R. 57. cum Homobono, item 3.6o. quia (ut dicunt) Rubrica hoc præscribens est tantùm directiva. But they contradict n. 415. and the Fourth [Council] p. 1., title 18., question 1. And this I consider more probable according to our opinion to be adduced at n. 399, namely that all rubrics treating of things that accompany the Mass are preceptive. Therefore all the more, because the Rubric says that this is the usage of the Roman Church. Nevertheless, they hold it well. Res. 3.) should be celebrated in black garments.

Sporer adds that it is more fitting to perform the Sacred on any day in whatever color, rather than omit it; hence, correctly, it excuses every reasonable cause, as if the lack of vestments of the proper color were insufficient for the gathering of the priests. They, however, think that Quarto l.c. d. 2. and Merati t. 2. p. 1. p. 629. (contra Turrinum) hold that a yellow color is equivalent to any color because all colors converge towards

it. 378. — « IV. A mortal sin requires a consecrated chalice and paten: but if someone in good faith had used some non-yet-consecrated vessels for a valid celebration, Bordon and Tambur add that even though such a celebration would have been sinned against mortally, it is probable that they themselves consider these vessels to be consecrated, and therefore it should be permissible to celebrate with them, contrary to Lugo and t. 14. Reply 69, page 5, treatise 13. R. 69. and p. 9. t. 7. R. 18. from the others eight.

The same applies to sacred vessels, likewise to the corporal, pyx, etc., which immediately touch the species; this is considered in book 1, chapter 3, § 1. 380. — Quæritur I. Whether the chalices and other things that remain blessed should be offered in sacrifice with those which are not yet blessed? The first opinion is more common and denies what Croix holds in book 6, page 2, notes 352 and 96, along with Lugo, book 1, chapter 1, section 4, note 1. Reason (as he says, .) Augustine, according to ..., themselves dedicated to ministry, are called holy.

But it is one thing to be consecrated to a sacred thing, and another to be set apart for Sacrifice; which requires [benediction], and which is done only through benediction. The second truly sound opinion agrees with Diana, Con. Peyr. et aliis apud quem ipse pariter vocat probabilem affirmat illa re-uanere benedicta quia per contactum specierum jam æquiva- 174 IIB. VI. TREATISE. III.

ON THE EUCHARIST. CAP. III. Such a designation is held to be readily, nay, certainly: and this occurs according to Sa, whether it be celebrated in good faith or in bad faith. And he also deems it probable concerning sacred vestments and altar ornaments that no departure should be made from the first opinion, despite what His does not oppose, namely, that Lugo asserts on day 20, section 2, note 62, that this is rightly commonly rejected as contrary. I. 21. n. 477. while at least it seems to be of probable doubt. An vero licet celebrare cum calice non de aurato? See what is said in note 370. dub. 3.

And may one use a chalice made of brass or bronze, or of brass alloy? See ibid., dec. 3., at the end, no. 581. – They say however the apologists. Believe l.c. n. 353, that abbots exercising pontifical functions can bless calices and sacred vestments: vestments for their own churches only, but calices also for alien ones. But note the Decretum of Alexander VII, taken up under number 378, in which it was declared that abbots can bless calices, bells, and other things to which sacred anointing is applied, as well as sacred vestments, only for their own churches, not for others, even with the permission of the ordinaries. This was confirmed by another Decree

recently issued by our P. Benedict XIV at the request of Cardinal Spinelli, Archbishop of Naples, 389. — Question NoneII.

Concerning what it is lawful to touch of sacred vessels, corporal things, or garments? No one doubts that except for Priests and Deacons, it is mortally sinful to touch sacred vessels while containing the Eucharist, as commonly stated (contra Ochagavium, et Croix n. 360. et n. 13. cum . a3. Is there a difficulty as to whether it is licit for laymen to touch sacred vessels while they do not contain the Eucharist? Sotus affirms this and thoroughly defends it in his sixth part, page two, note 358. Miss. l. i. c. 2. §. 1. n. 12. cum Scotus et Barthol. ab Anglia qui dicunt: "Non est peccatum, si laici tangant sacra à sine contemptu," aut est levissimum. "But the most common and more truthful opinion denies it, which Suarez holds in his treatise, d. 81, sect. 8, §. Tertium, nu. 19, p. 818, nu. 375."

Habert t. 5. p. 709. c. 10. n. 127. Antoine p. 493. n. 10. et cum D. Consecr. d. 1. ubi dicitur: "Indigne valde est, ut sacra Domini vasa, quaecumque sint, humanis usibus serviant: aut ab aliis (nota) quam Domino famillantibus, eique dicatis tractentur viris." By such sacred ministers are understood not only deacons and subdeacons, but also acolyths, as is evident from the chapter "Non liceat," where it is said: "It is not permitted to anyone to touch the ministerial offices except for a subdeacon or an acolyth in the secretary." Furthermore, now those who are tonsured can also touch these things according to the custom introduced, as they say, c. Croia n. 357 with Quarti, etc., and the same is taught by Bened. XIV, Notif. 29. n. 18. with l. c. n. 130 and 131. Nor Monks and Sacristans, by the communication of privileges.

And today it can be said by custom that this is also permitted to laics who offer at the Congregations of Secular Priests' Sacristans and to all those who serve in clerical habit in Churches; for they perform the duties of clerics in the Church: at least, I say this, that these may be excused from guilt because while exercising the office of Sacristan there is always some necessity of touching sacred vessels. And likewise what has been said concerning the touching of sacred vessels must be said concerning the touching of corporal things, as Merati says on page 313 with Fourth Lateran Council, Pasquilli, and common opinion. Minime autem laici peccant tangentes vestes sacras, aut alia non immediatè attingentia corpus et sanguinem Christi, ut ex sententia censuunt (ut bene ait). Nor does it hinder the text in c. Altaris and c. Vestimenta, from which this seems to be forbidden; for it is said cum Gross. in d. c. Altaris, word for word. Veils, because if there is a precept thereabout, this has been abrogated by such usage. 383. — "And although it may be fitting that even thepyxisdovesiveciboriurn, and the moon, or the hieratic sphere, and any

vessel containing whatsoever, and immediately touching the Eucharist, as also a casket containing chrism, be blessed" (blessing being permissible in addition to those things in which unction is used, by the same person who blesses the other ornaments) according to the Ritual. The Roman own proper is the blessing of the pyx; yet they deny that it is necessary.

Lugo, . 1. exped. §. 6. nec esse necesse imponere pyxidi vas lineum benedictum benedictione corporalis. Porro calix et patena confecta debent ex auro argento vel stanno saltem quoad cuppam (admitunt etiam aliqui ex plumbo) sed non ex ære, c. Ut calix de consecr. d. 1. » (See what is said, n. 370, doubt 3, at the end) » although . 1. exped. Sacramentorum c. 1, cum admittat etiam ex gemma, quæ æquè pretiosa sit ac aurum vel argentum, modo species non imbibat nec sit periculum ne effringatur. And although the Rubrica prescribes that at least the cup and upper part of the paten be gilded, it nevertheless does not oblige one to do so under a mortal sin, nor even under a venial sin, on account of the contrary use; c. 384 — Dubit. 1. Does a pyxis need to be consecrated? They affirm number 348.

But more truly and commonly they deny it. Chapter 5, section 6, note 22, note 23, question 7, question 4, and Croix with Ratio, because in the Roman Pontifical there is only a blessing for the pyxis, but no mention at all of chrism unction. Moreover in the Roman Ritual. The blessing of the pyxide is noted among those things that do not require the anointing with chrism. 388. — Dubit. 2. Whether a pyx ought to be blessed at least by precept? The first opinion affirms this, and those who hold it with Sylvius, n. 99 with Gaufrid and Reginald, likewise Durandus, XIV, Notif. 21, n. 12, and Escobar, l. 22, n. 419, who yet thinks that the omission of this blessing does not exceed venial fault. It is proven from the Rubric of the Missal, page 2, title 2, number 3, where it is said: "If the Priest is consecrating more hosts for the purpose of communion, he should place them on the corporal before the chalice, or in some chalice consecrated or a clean and blessed vessel."

Furthermore, it is confirmed by reason, because this is very fitting; for if the corporal, in which the sacred species remain for a brief time, should be blessed, how much more ought to be blessed the vessel in which they are preserved both day and night? And thus in the Ritual a special blessing is assigned for the Tabernacle (as it is said there) or Vessel for the sacred Eucharist. Accompanies the doctrine of D. ar. 3., where in order to prove that the dispensation of the Eucharist pertains to the Priest, it is said: "In reverence for this Sacrament, nothing touches (Sacred Mentum) it except what has been consecrated; hence both the corporal and the chalice are consecrated, and similarly the hands of the Priest." However, the second

sense denies this, and many serious doctors hold this, namely, 81. s. 7. 1. l. 10. c. 27. q. 7. Fill. de n. 23. Syll. v.

Euchar. 3. q. 4. when ac n. 427 and they consider Diana, p. 2, tract. 1. R. 180. and Lugo d. 20., n. 96., cum nec Pontificale certos nos reddit, cùm ibi assignentur Benedictiones etiam pro Campa- nis, et Thecis Reliquiarum, quæ tamen non de praecepto, sed tan- tùm de congruentia benedicuntur. This second opinion does not seem improbable at least on account of the authority of so many Doctors; but I consider the first to be more probable, because it is more conformable to the rubric and reason; and therefore it should be observed in practice, as rightly they say. And the same must be said concerning the circle or lunula where the consecrated host is kept when it is exposed in the monstrance. 586. — “V. Lineament of corporal (Or from hemp, as is proven by usage; see what has been said in no. 375, dub. 3.) At least with regard to that part which touches the host or chalice, according to the Consulta, de consecr. d. 1. » (nam in extremitatibus potest esse sericum, vel auro elaboratum) et benedictum ab Episcopo, vel privilegiato. V.

Comm. prior. Soc. JESU, v. Bened. Nevertheless, it is not to be blessed again after the anointing, nor is it to be broken except notably. St. Thomas 4. qu. ult. p. 9.

Lugdunensis de die 20. secundae partis 3. n. 76 et tertii libri ubi addit ex Sententiis, (et dicit esse communem) peccare mortaliter, qui utitur notabiliter immundo. It must be noted I: that it is not excusable for a mortal to celebrate without a corporal or with one that has not been blessed unless grave necessity urgently demands the celebration, this is certain among all. V. . 81. sect. 6. et Croix n. 333. Note II. That which pertains to the blessing of corporals. In c. Nemo 40 de Clemente Papa duo statuit: primum, ut sacrae pallae tantum a Diaconis laventur; secundum, ut lotio mittatur in Sacrarium. As regards the first point, they say 81. s. 8.

Merati t. 1. p. 1. n. 16. et Croix n. 334. cum Bon. quod licet conveniùter sit secundam et tertiam lotionem pallarum (id est, ut explicat Suarez, corporalium, parvarum pallarum, et purificatorium) fieri à persona sacrata; tamen nullum est peccatum, si illæ fiant à laicis; prima autem lotio omnino debet fieri à Diaconis, vel Subdiaconis, quia hodie horum Ordinis inter sacros numeratur, et ut comm. DD. say, this is a peculiar office of the Subdeacon; but Croix says at that place, and Suarez, and Pasquier: it is more probable that the first anointing can also be performed by a tonsured cleric; since in said chapter it is stated: Deacons with humble ministers wash. Today, however, tonsured clerics are already counted among the lower clergy by custom, from which they are permitted

to touch sacred vessels. Whether, however, a layman would commit a mortal sin by performing this first tonsure? They affirm, Villal. tr. 8. diff. 29. n. 5. But more commonly Croix l.c. and Quarti cen-so they set this to be only venial, and no mortal sin if a just cause were present.

As regards the second point, Croix with Pasquale thinks that no sin would be committed if the water from the ablution were to be cast not into the sacrarium but into a suitable place. But it must absolutely be held in opposition to Merati, since in the aforementioned text nobody expressly says that expelling the lotion outwardly will be a sin for the one performing it. And he says that to this no contrary custom can be derogated. That nevertheless is understood to apply equally to corporal substances, veils, and purifiers; although in the text the same thing is said about white lotion and altar cloths, still correctly does the Glossa interpret it there. L. This has been abolished by general custom. 388. — "VI.

The ball likewise is a line by which part the cup touches (for it may formerly have been made either of gold or silk); and since it has a common blessing with the bodily thing, inasmuch as it was formerly its part, it can serve for the same purpose, teaches the same Lugo l.c. if it be sufficiently capable. The pallia ought to be made of linen, as required in the Rubrica p. 2, tit. 1, m. 1, or of hemp, as we said regarding the corporal n. 375, dub. 3. And hence Merati rightly observes in the same place that it is not well done to use a pallium made of papyrus or silk damask. But in the Decree of the Sacred Congregation dated the 22nd it was said: "In the sacrifice of the Mass a pall from the upper part covered with silk drapery is not to be used." Although P. 81. s. 6. considers it not to be forbidden LIB. VI.

TREATISE. III. ON THE EUCHARIST. CHAP. III. » yet not without all things happening for scandal and irreverence. V. t. 6.

Resp. 48. and pp. 5. t. 3. Reference 39. But it is not prohibited to make such sacred vestments from profane materials, for example, a planet from a female secular garment. » Sacris 1. 1. c. 2. §. 4., qui monet l. c. §. 1., cavendum esse ne sim valde attrita; ut et ne reliqua supellex sacra sit valde immun- da, in quo graviter peccari potest . . c. 0 (inc. » Relinquish, from Gust. Thus is it decreed: We command that the oratories, corporeal vessels, and clean and lined vestments be preserved.

It is noted however, n. 1. from . As for the use of bodily and other paraphernalia that are not excessively dirty, it is only a venial sin, nay, no sin at all if others cannot be had; as Croix n. 336 states with reference to . 11., one does not commit sin by using even notably dirty bodily things in necessity, namely, if oneself or others ought to omit other things Sacred

concerning the precept. Even sacred vestments, though worn out, are mortal sin to use for profane purposes, as they say in section 81, chapter 8. Sporer n. 414. et Wigandi tr. 15. n. 62. ex c. 39 et 43 de Vestibus tamen sacre in usibus profanis adhibita non amittunt benedictionem, Sporer, et Wig. ll. cc.) Censuit Walfridus c. 23 primis temporibus Missas lectas fuisse a Sacerdotibus in communi indumento; et Honorius in Gemma l. cap. 89 fert S. Clementem usum sacrarum vestium decrevisse. But Baronius, Raynaud. Bona, XIV, Not. 21. n. 6. sentiunt etiam Apostolos usos fuisse peculiaribus vestibus in Sacrificio; atque ex hujusmodi vestibus putant ibi.

Calmet, Visconti, etc., to have been Penulam, which D. Paulus memorates in Act. 16. 577. — But it is certain among all, that a mortal sin is committed by celebrating without any sacred vestments, according to cap. Vestimenta, de et praesertim procul dubio without the casula or alb (vide dicta n. 289.). But there is doubt, 1. Whether one commits a mortal sin by celebrating without a stole, or maniple, or girdle? They deny that there is mortal sin in celebrating without a stole or maniple or girdle. Sleeve. Henry and I, 1st part, 21, note 483 (who calls this a probable thing) because they think that this is not a serious matter. But speaking of stola and manipulo, it is more truly affirmed according to the opinion of all, than they hold. tr. 5. c. 5. n. 147 et 148. n. 17. n. 27. . 1. c. 3. §. 1. n. 3.

Diana page 2, treatise 14. R. 57. and with Vasq. Rato, quia deficiente alterutra istarum vestium, quae communiter majores aestimantur, deficit cultus Sacrificio debitus. Translation: Rato, porque si falta cualquiera de estas dos prendas de ropa que comúnmente se estiman más altamente, el culto debido al sacrificio carece.

The same must be said with the same authors regarding the celebrant with a stole or a non-blessed manipule. However, grave necessity is nevertheless likely to excuse, as teach the learned doctors in question 3. Wigandt tr. 15. n. 62. et . 260. cum . The same as what is said about the stola and manipulus, they consider applicable to the cingulum. C. n. 84. Similarly Vasq. Villalob. tr. 14. Response 68.

But they probably deny that there can be a mortal sin without a bond of EUcinar. AS IT IS A SACRIFICE. DUB. V. 171 celebrate, or not blessed, q. 5. Syll. v. Mass 1. n. 2.

They suppose at the same place and consider it probable Lugo, day 20, number 102, number 82, and Diana, part 2, treatise 14. R. 68. with Scotus and Palude. Hemr. cum. Pasq. de celebrante sine anictu, saltem pro eis qui illo non utuntur ad te-gendum caput, sed tantum humeros; et consequenter probabile est, ut ait cum Diana, nullum esse peccatum celebrare sine

cingulo, vel anictu, si desint, et adsit aliqua rationabilis causa celebrandi, nempe fervor devotionis, vel opportunitas eleemosynae Sacerdoti non diviti. Dubium. 2. Whether it is permissible to celebrate Mass without any sacred vestment out of fear of death?

The first opinion affirms this, provided contempt is absent; and apart from Azarias, they hold this to be true. 5. part. 5. cap. 6. note 17. Fourth part, first title, question fourth, doubt sixth. Escobar. l. 21. n. 48. Sylvius in p. 82. 2. Whether, Diana p. 3. tr. 6. Reply 48. with and 6. page 2. note 33.9.

Reason, because sacred vestments are required only by the precept of the Church, which is not binding with such expense. The second meaning, which we follow, denies this and holds it to be so. 82. s. 3. v. Secondly, from the first book of the Missal, chapter three, section one, note six, with reference to the chapter of Merati, question one. R. 3. nu. 13. item; tum quia id non potest fieri sine scandalo, aut saltem sine magna irreverentia; qua-propter hic subintra praeceptum naturale reverentiae in quocum-que casu debita Sacrificio, a quo praecepto metus mortis non excusat. Whether, however, on account of such a fear it is permissible sometimes to celebrate even without some of the vestments, and indeed the greater ones, such as the stola or manipulus? They do not unreasonably affirm with contemptuous seclusion, that since Fag. ll. cc. favors this by saying that such does not seem to be so great an irreverence as to prevent celebration with due honor on account of fear of death; see the following statements n. 377 and 378. — Dubit. 3.

Whether regular Prelates can bless sacred vestments? It is certain among all that they can provide blessings for their own churches, from many privileges granted to them accordingly. For (as it is referred to in 1.c.2.§.2.n.5.) likewise Leo X imparted this privilege through a Bull to the Friars Minor for their own use alone; and Sixtus IV confirmed that, excepting corporals; but XIV, Not. 21.n.19., by the Decree which begins with "Sacrorum Rituum," indefinitely granted the faculty to Abbots of blessing ecclesiastical furnishings, solely for their own churches. The doubt, however, arises whether regular prelates can also bless for alien churches? 172 LIB. VI. TREATISE.

III. ON THE EUCHARIST. CHAP. III. The first proposition denies this, and those who hold this view are found on page 882, line 2. Pomponius, chapter 19, note 22. Merati, t. 1, part. 2, pag. 1325, n. 27, et Bened.

XIV. Notif. 21, n. 14, ex Decretis S. C. Rit., die 24 Aug. 1609 (apud Gao.), ubi dictum fuit: « Superiores Regularium nec Abbatcs posse benedicere paramenta Ecclesiarum non sibi subditarum. » The second opinion, however,

affirms this, and they hold it, as stated in n. 83 with n. 261 from the privilege of Innocent VIII. The same opinion is held in c. n. 7 with Marcius, and . C. quia constat de privilegio, non verò de ejus revocatione.

Translation: C., because it is certain concerning the privilege, not however concerning its revocation. Nevertheless, this notwithstanding, the first judgment from the aforementioned Decree of Alexander VII must absolutely be held (which Merati and our Pope Benedict refer to), in which it was thus decreed concerning the saints: "Lower prelates, who enjoy the use of Pontifical things, may bless ecclesiastical furniture for the service of their own churches or monasteries." » Likewise it was declared there: « The remaining Pontificals are subject to the Abbots outside their own places, for the service of alien Churches, or even in subordinates who are likewise aliens; and they shall not have license from Ordinaries to exercise this, such as blessings of campanas, calices, and similar things in which sacred anointing is used, nor minor orders' conferrals. » » At quia prædicti Prælati recurrebant ad privilegia pro benedicendis paramentis etiam aliarum Ecclesiarum, S. C. habita coram eodem Alexand. On the seventh day of July in the year one thousand six hundred and sixty, it was commanded that an authentic indult be exhibited, and in the meantime to abstain. But this Indult, as Benedict attests, was never thereafter exhibited.

Not. IX, p. 146.) Doubts. 4. Whether bishops can delegate to others the faculty of blessing sacred sacraments? They deny. Miss. 1. 1. c. 3. §. 2. nu. 4. et tit. 19. nu. 23. cum) affert de hoc Decr. S. C. R. die 14 Nov. 1615, ubi dictum fuit: « Nec episcopus potest » absque licentia hanc benedictionem aliis delegare.

The reason is because this blessing pertains to the power of the Order, whence it cannot be delegated by the Bishop, but the power of jurisdiction can be so delegated. But it contradicts 5. n. 33. de dicens 1. Because concerning this Decree it is not authentically established. 2. That such a Decree is not commonly received as useful, especially in Rome, where the Vice-legate, exercising his ordinary authority, delegates to any priests whatever this faculty at random. That this blessing is not of Episcopal order, but of Priestly order, and therefore it can properly be delegated by the Bishop. Added above in the page 1, note 1. with title 29, note 54.

Bishops can properly delegate those things which competently belong to them by special privilege, on account of dignity; for since the power is annexed to the office, it passes into the ordinary jurisdiction. Nevertheless, I do not acquiesce to this opinion, since nowhere have I heard the bishops delegating such a faculty to others: on the contrary (as reported by _Gao_), many bishops themselves sought to obtain that from the Sacred

Congregation; and Benedict XIV, when he was Archbishop of Bologna, obtained this faculty for five years, as he himself testifies in loc. cit. Dubit. 5. Is it a command to wear vestments? In the Rubrica Missalis is specified: "Paraments" of the altar, of the celebrant, and those of the ministers deserving of color according to the custom of the Roman Church for the Office and Masses of the day. Tambur denies this in his book 1, chapter 3, section 1, number 1. Chapter 4, Title 1, Article 8, Question 1. When did the decree pertain to the colors? R. 5 7. withHumanNature, likewise.

Croixnu. 3 6 o. quia (ut dicunt) R u - brica hoc praescribendo est tantum directive. But they contradict. 1 5 1. n. 4 1 5. and Quarto. 1. tit. 1 8. dub. 1. Ethically more probable, according to our opinion it must be adduced from n. 399: namely, that since all those who treat of Rubrics are bound also to treat of those things which accompany the Mass, they should be preceptive. Therefore, because of the rubric, it is fitting that the uses of the Roman Church be considered. Benedictionem emit sententiam.) vel in quacumque Missa festiva (utait. 6. q. 1. Res. 3.) should be celebrated in black vestments.

Addit Sporersatius to have been used, so that any die might make a Sacrifice in whatever color, and that he might cast it; hence more strongly and with greater reason excuses every reasonable cause, lest the vestments of the curate priest should not suffice for the Sacrifice. They think, however, that Quattuorlibri Sententiarum, dist. 2, cap. d. 2 et Mercurii Tractatus, lib. 2, p. 1, cap. p. 6, § 2, n. 9 (contra Turrim, rinumeram) that the color scarlet, or yellow, is equivalent to any color because all lead to illumination. III 7 8. - « I V. For a mortal sin to be required, it is necessary that the chalice and paten contain consecrated something good, but not yet any merely bonum; and if someone in malice should celebrate thus, or should commit a mortal sin in this manner, it is probable that these are considered consecrated, and hence may be celebrated, contrary to Lugo, et. 2. t. 1 4. Reply 6 9. page 5. type reply 1 3. R. 6 9. and p. 9. t. 7. R. 18. ex aliis octo.

And he also considers as sacred vessels - to him, likewise corporal, pyxide, etc., which immediately touch » species, « sac. 1. 1. c. 3. §. 1. ». "3 8 0. - It is asked I." An empty cup, and a clean vessel remain blessed, if anyone offers sacrifice without blessings? The first common opinion denies what Croia holds: I. 6. p. 2. n. 352. et. 4. n. 96. with Lugo, etc., and this it calls probable. 1. c. 1. §. 4. n. 1. Reason (used. Augustine, among..., is consecrated by its own ministry, and declared holy.

However, another thing is to be separated for sacrifice, another thing is to be set apart as a Sacrifice, which requires that whatever is offered through

blessing be fitting for the petitioners. According to the opinion of Virgilius, as stated by Dionysius. Peyr. ac aliis apud quamipsum separit erva vocat probabilem, affirmat illare - vanerebenedicta, qui per accums specierum jam equiva - 174 IIB. VI. TRACT. III.

ON THE EUCHARIST. CAP. III. Lender, imo eminenter talis deputatio habetur: et hoc evenire ait cum Sa, tam si bona fide, quam si mala fide celebretur. And he also deems it probable concerning sacred vestments and altar ornaments that no departure should be made from the first opinion, despite what His does not oppose, namely, that Lugo asserts on day 20, section 2, note 62, that this is rightly commonly rejected as contrary. Wherefore the second opinion does not sufficiently appear to be right, as well Escob says. I. 21. n. 477. dum saltem videtur esse dubii probabilitatis. Whether, however, it is licit to celebrate with a cup that is not of gold?

See what is said in note 370. dub. 3. And may one use a chalice made of brass, or of tin, or of bronze? See ibid., d. 3., at the end, no. 581. – They say however the apologists. Believe l.c. n. 353, that abbots exercising pontifical functions can bless calices and sacred vestments: vestments for their own churches only, but calices also for alien ones. But note the Decretum of Alexander VII, taken up under number 378, in which it was declared that abbots can bless calices, bells, and other things to which sacred anointing is applied, as well as sacred vestments, only for their own churches, not for others, even with the permission of the ordinaries. This was confirmed by another Decree recently issued by our P. Benedict XIV at the request of Cardinal Spinelli, Archbishop of Naples, 382. — Question None

II. Concerning what it is licit to touch of sacred vessels, corporal things, or garments? No one doubts that except for Priests and Deacons, it is a mortal sin to touch sacred vessels while containing the Eucharist, as commonly stated (contra Ochagavium, et Croix n. 360. et n. 13. cum . 23. Is there a difficulty as to whether it is licit for laymen to touch sacred vessels while they do not contain the Eucharist? Sotus affirms it, and thoroughly defends this opinion, n. 358, p. 2. Miss. l. 1. c. 2. §. 1. n. 12. cum Scoto, Barth. ab Ang. qui sic ait: "Sacra tangi à laicis sine contemptu, aut nullum peccatum est, aut levissimum."

"But the most common and more truthful opinion denies it, which Suarez holds in his treatise, d. 81, sect. 8, §. Tertium, nu. 19, p. 818, nu. 375." Habert t. 5. p. 709. c. 10. n. 127. Antoine p. 493. n. 10. et cum D. Conser. d. 1. ubi dicitur: "Indignum valde est, ut sacra Domini vasa, quaecunque sint, humanis usibus serviant: aut ab aliis (nota) quam Domino famillantibus, eiquedictistractentur viris." "Likewise, these sacred viri are

to be understood not only as deacons and subdeacons, but also as acolyths, excepting." It is not permitted, according to the treatise on Consecration, distinctorium 2, chapter 3, where it is said: "It is not permitted to anyone to touch the ministry, except by a Subdeacon or an Acolyte in secretarial matters on Sundays." » Even before the deacon and subdeacon, those who have been tonsured according to custom introduced can touch the sacred meats, as they say. c. Tam. n. q. Croian. 3 5 7. cum Quarti, etc., et idem docet Bened.

XIV, Notif. 2 q. n. 1 8. cum Pasq. That too has been conceded to regular laics and sacristans, by privilege of Callixtus III and Sixtus IV, according to p. Sal. l. c. n. 1 3 oet 1 3 1. Nor to Monastic Sacristans, by the commutation of privileges. . 1 3 2. The day may be said by custom to permit this also to lay persons who serve in clerical habit in churches; and even those who minister the offices of the clergy: at least I say that such a fault is excused, so long as they perform the duties of sacristan, always being present some other necessary reason for touching sacred vessels and anointing. Likewise what has been said concerning sacred vessels must also be said concerning corporal things, as Meratip says. 3 1 3. With regard to the Quarti, Pasch, and common ones. Least of all do laymen sin by touching sacred vestments, or by not immediately touching the body and the blood of Christ. Concilium . caput caput. ex sententia (ut bene ai.

The text is not established. Altars, etc., vestments, de Consecr., dist. 1: here it appears what is forbidden; for it is said in Grosssete, ind. c. Altaris, verb. Veils, quod si ibi aliave - quod est praeceptum, hoc est abrogatum. 3 8 3. - "Ac licet decens sit, ut ti ampl pyais, sive ciborium," et luna seu sphera hierarchice, et quodcumque vas continebat - "nens, et immediate tangens Eucharistiam, ut tamen secundum" . 5. t. 5. c. 6. vasculum chrisma continens, benedicatur" (benedicere autem praeterea, inquit, sunctio adhibetur, po - "testidem quicætera ornamenta) cu min Rit. The Roman rite requires "sit pyxidis benediction"; yet some deny that it is necessary. Lugo, . 1. exped. Sacrif. c. 1. §. 6. necesse est » necesse imponere pyxidem divinam lineam benedictione corporali. « Porro calix et patena confecta debent esse ex auro, argento vel stanno; saltem quoad cuppam (admitunt etiam aliqui ex plumbis) sed non ex ære. c. Ut calix de consecr. d. 1. ˚ [Vide dicta n. 370. dub. 3. in fine] ˚ quamvis . 1. exped.

Sacrif. c. 1. cum Ac, licet Rubrica præscribat ut saltem cuppa et superior pars patenæ sit deaurata, eam tamen non obligare sub mortali gratia, imò nec sub veniali, propter usum contrarium, vult. c. 384 — Dubit. i. Whether a pyxis ought to be consecrated? They affirm number 348. But more truly and commonly they deny. 5. r76 LIB. VI. TREATISE.

III. ON THE EUCHARIST. CHAP. III. c. 6. n. 22. n. 23. q. 7. q. 4. et Croix cum Ratio, quia in Pontificatu Romano tantum habetur benedictio de pyxide, nulla autem ibi fit mentio de unctione chrismatis. Likewise in the Roman Ritual. The blessing of the pyxide is noted among those things that do not require the anointing with chrism. 388. — Dubit. 2. Whether a pyx ought to be blessed at least by precept?

The first opinion affirms this, and those who hold it are with John 7, with Sylvius, note 99 with Gavino and Reginald; likewise Durandus, XIV, Notif. 21, n. 12, and Escobio 1:22, n. 419, who yet thinks that the omission of this blessing does not exceed venial fault. It is proven from the Rubric of the Missal, page 2, title 2, number 3, where it is said: "If the Priest is consecrating more hosts for the purpose of communion, he should place them on the corporal before the chalice, or in some chalice containing consecrated wine, or in a clean and blessed vessel." Furthermore, it is confirmed by reason, because this is very fitting; for if the corporal, in which the sacred species remain for a brief time, should be blessed, how much more ought to be blessed the vessel in which they are preserved both day and night? And thus in the Ritual a special blessing is assigned for the Tabernacle (as it is said there) or Vessel for the Holy Eucharist. Accompanies the doctrine of D. ar. 3., where in order to prove that the dispensation of the Eucharist pertains to the Priest, it is said: "In reverence for this Sacrament, nothing touches (Sacramentum) it except what has been consecrated; hence both the corporal and the chalice are consecrated, and similarly the hands of the Priest." However, the second sense denies this, and many serious doctors hold thus namely 81 s. 7. 1. 1. ro. c. 27. q. 7.

Fill. de n. 23. Syll. v. Euchar. 3. q. 4. when ac n. 427 and they consider Diana, p. 2, tract. 1. R. 180. and Lugo d. 20., n. 96., cum nec Pontificale certos nos reddit, cùm ibi assignentur Benedictiones etiam pro Campa- nis, et Thecis Reliquiarum, quæ tamen non de praecepto, sed tan- tùm de congruentia benedicuntur. This second opinion does not seem improbable at least on account of the authority of so many Doctors; but I consider the first to be more probable, because it is more conformable to the Rubric and reason; and therefore it should be followed in practice, as rightly they say. And similarly one must speak about the circle or lunula where the consecrated host is kept when it is exposed in the monstrance. 586. — « V. Lineament of corporal * (Or from reed, as usage demonstrates; see the aforementioned n. 375. dub. 3.) * at least with regard to that part which touches either host or chalice, c. Consulto, de consecr. d. 1.

» (nam in extremitatibus potest esse sericum, vel auro elaboratum) et benedictum ab Episcopo, vel privilegiato. V. Comm. prior. Soc. JESU, v.

Bened.

Notwithstanding, it is not to be blessed again after the anointing, nor except notably mown. St. Thomas 4. qu. ult. p. 9. Lugdunensis, de decimo, sesta secunda, nomen septuagesimum sexto, et tertium, ubi adjungit ex Sententiis, (et dicit esse communem) peccare mortaliter, qui usus notabiliter immundo. It must be noted I., that it cannot be excused mortally to celebrate without the bodily [elements], or with one not blessed, unless grave necessity urgently demand the celebration; this is certain among all. V. 81. section 6. and Cross note 333.

Note II. that which pertains to the cleansing of the body. In c. Nemo 40 de Clemente Papa duo statuit: primum, ut sacrae pallae tantum a diaconis laventur; secundum, ut lotio mittatur in sacrarium. As regards the first point, they say 81. s. 8. Merati t. 1. p. 1. n. 16. et Croix n. 334. cum Bon. quod licet convenientius sit secundam et tertiam lotionem pallarum (id est, ut explicat Suarez, corporalium, parvarum pallarum, et purificatorium) fieri à persona sacratum; tamen nullum est peccatum, si illae fiant à laicis; prima autem lotio omnino debet fieri à Diaconis, vel Subdiaconis, quia hodie horum Ordinis inter sacros numeratur, et ut comm. DD. say that this is a peculiar office of the Subdeacon; but Croix says rather in loc. cit., since in said chapter Nemo it is stated: Deacons with humble Ministers laicize. Today, however, 'clerics who have been tonsured are already counted by custom among the lower clergy, from which they are permitted to touch sacred vessels.

Whether, however, a layman would commit a mortal sin by performing this first lathering? They affirm Vidal. Tr. 8. Diff. 29. N. 5. But more commonly Croix, l.c., and Quarti set forth that it would be only venial, and none at all, if a just cause were present. As regards the second point, Croix with Pasq. thinks that there would be no sin if water for ablution were to be brought not to the sanctuary, but to a suitable place outside. But it must absolutely be held in opposition to Merati, since in the aforementioned text nobody expressly says that expelling the lotion outside will be a sin for the one performing it. And he says that no contrary custom can derogate from this.

That nevertheless is understood to apply equally to corporal bodies, veils, and purifiers; although in the text the same thing is said about the white lotion and altar pallia; still correctly does the Glossa say thereupon. L. This has been abolished by general custom. 388. — "VI. The ball itself also, by means of which part the cup touches (for it can formerly have been made either of gold or silk around that part); since it has a common blessing with the bodily thing, inasmuch as it was formerly its part, it is able to

serve for the same purpose, teaches the same Lugo L. c. if it be sufficiently capable. The pallia ought to be made of linen, as required in the Rubrica p. 2, tit. 1, nu. 1, or of hemp, as we said regarding the corporal n. 375, dub. 3. And hence Merati rightly observed in the same place that it is not well done to use a pall made of papyrus or silk damask.

But in the Decree of the Sacred Congregation dated 22nd [day], it was said: "In the sacrifice" of the Mass, a pall from the upper part covered with silk drapery is not to be used." Although P. 81, s. 6 thinks that it is not forbidden to use silk or gold-woven cloth merely on the exterior part, while saying that corporal should only be adorned with gold or silk at the extremities; and this seems probable, since in the Rubrica p. 2, tit. 1, n. 1 it is said: “The corporal which should be made of linen alone, neither (note) woven with silk or gold in the middle, but entirely white.” » The pall is to be blessed with the same blessing as the corporal, as commonly taught by Ga. in the aforementioned citation with Quarti and Vasq., who consider the opposite opinion improbable. Whether it is a mortal sin to celebrate without a pallium, or with one that is not blessed? They affirm probably, c. Fill. de Tourn., p&g. 819, ad 3, with Quarti and Vasq. Reg.

Reason, because formerly it was itself the corporal thing by which the chalice was obtained; although today the palla is separated from that, nevertheless it remains necessary and blessed as a corporal thing; and the Church, by abolishing the separation, has not changed anything regarding the matter and blessing. Verum etiam non minus probabiliter negat Sotus in 4. d. 13. qu. 2. art. 5., item Manuel, et Mouré apud Escob. num. 30. ac Ratio, quia tametsi Ecclesia eadem benedictione statuerit benedicere pallam ac corporale, eo quod illa moraliter pars corporalis censetur; tamen cum hodie palla sit separata a corporali, non eadem ratio reverentiae currit pro corporali, quod immediatè tangit sacras species, quam pro palla, quae non tatgit. They say, however, Sporer n. 308 and Croix 1. c. with Gob., that if the pall is lacking, it should be expected either by quadrant; another corporale may be used in its place, or if this is deficient, a purificatory, or bursa. Dicit autem quod illi qui adhibent duas pallas, unam pro calice, alteram pro Hostia, non sunt quidem reprehen- dendi, sed non imitandi sine Pontificia facultate; hoc enim esset additio Rituum, vetita a S. Pio V. And to this opinion adhere Quartus and Megal. according to Merati tom. 1. p. 1. pag. 310. n. 12. Wherefore priests who do not have this faculty from the Pontiff are said not to be able to use these two palls.

But they hold that not only the Teutonites, to whom this privilege or approved usage was granted by Clement VII, but all foreign priests can avail themselves of them, because this is no addition, but rather some kind of accession to the Roman Rite for greater decorum, so that fragments of

conveniences may be gathered together. Here Merati thinks that each one can follow this observance; 389. —“VII. The purificatory line itself is also necessary, yet not blessed, so as not against. Ga. et Lugo; nec in Rituali ejus reperitur benedictionis. It is asked whether the purificatorium should be blessed? It affirms number 12. Item Franc.

Lugo, et 1. 11. n. 434. qui huic opinioni adhaeret tanquam tutiori, licet contrariantem etiam tutam vocet. Reason 1. because, as it was said in the treatise on the Eucharist. AS IT IS A SACRIFICE. DOUBT. V. 179 n. 385. Hoc Sacramentum à nulla re contingi debet, nisi consecrata. Reason 2. because the rubric prescribes blessing mops of the altar; therefore all the more should the purificatory be blessed, which perhaps can touch the remains of blood.

Nor does it hinder that a particular blessing for purifications is not found in the blessings; for with regard to those [purifications], a blessing of linen is taken, and the voice is changed from altar to chalice, if they are separately blessed as purifications. But commonly and more probably Gao denies it. Page 2. Title 1. Suarez d. 81. sect. 8. numer. 85. Lugo d. 20. num. 76. Croix n. 331. n. 22. q. 4. et q. 9. cum Sylvio, qui dicit, hanc benedictionem fieri tantum de convenientia. Reason, because in the Ritual there is no proper blessing of the purifier, neither does it agree with a veil nor with a purse.

Gratis autem asseritur eamdem benedictionem quæ adhibetur pro mappis aptandam esse pro purificatorii, cum pro his nullo modo possint verificari verba Orationis, quæ habentur in Rituali, nempe: « consecrarare digneris hæc linteamina ad tenten- dum, involvendumque altare Filii tui. » Hence, it is not sufficient (as the opponents assert) to merely change the name of the altar to a chalice; but also it is necessary to change the words "tegendum, involvendumque" into "astergendum," which would rather be to compose a new prayer than to change; yet they say that although there is no obligation to bless the purificatory, it can nevertheless lawfully be blessed. Si autem purificatorium non facile haberi possit, probabiliter dicunt Wig. tr. 15. n. 64., ac licitum esse sine eo celebrare, ejusque loco adhibere posse strophiolum mundum, quod postea ad profanum usum non adhibeatur. 390. — « VIII. Regarding a grave sin, even if the Missal contains the Canon at least, as it has; and thus Lago l.c. with p. 1. tit. 10. n. 20. lit. z.) » It is asked, whether it is ever permissible for priests to celebrate Mass without the Missal? The first opinion denies it, and this is held in question 2. Habert t. 5. p. 708. item . 9. num. 4. ac Coninch. l. at. n. 162. etiamsi aliquis firmiter sciat memoriter quæ dicenda sunt.

Reason, because in such a grave matter it is to be avoided altogether the

danger of error, which can always be feared when reciting memoriter. This appears to be confirmed by the fact that the Sacred Congregation of the Council (as Benedict XIV states in Notification 29, n. 5) granted permission to a Cæcutiens priest to celebrate a votive double Mass feast day for the B.V.B. Virginibus et feriis Missam pro defunctis hanc solet clausulam apponere: «Quod non sit omnino cæcus et memoriter non recitet». The second however is the more common opinion, which Lugo holds on the 20th day, number 98, note 17, chapter 81, section 6, chapter 3, in fine, Diana page 2, treatise 14. R. 46. cum Aoers. num. 388. n. 87. cum Villal. cum Vericelli et Gobat. probabiliter dicit posse quandoque Sacerdotem celebrare sine Missali, si hoc facile non posset habere, et ob præteritam experientiam abesset morale periculum errandi. Hence, Lugo and Escobar probably infer that a Priest may licitly celebrate Mass by heart, provided he discerns the species and host adequately enough to avoid irreverence; and moreover, has the Missal at hand on the altar, or another book in place thereof, as Croix n. 364 states with Gobat and Samson concurring with Lugo, and .

C. apponì, ut supra, non satis probatur hanc secundam opinionem tanquam improbablem rejec: tuitius tamen semper erit hac facultatem à S. C. obtinere. It is certain among all, that a priest totally blind may illicitly celebrate Mass, although Benedict l.c. on the day 23 Augusti 1727 refers to having granted this permission by special grace to some poor Parochial priest with the presence of a priest. A priest of the Roman Rite would gravely sin if he used the Missal of Regulars and employed it even in their churches or places of transit, saying Mass according to a different Rite, as rightly Croix with Pasqu holds. Fourthly, and Aoersa (contra C. 19 p. 3. tit. 10. This however is understood, if such a priest could preserve his own Rite: for otherwise it would be licit for a stranger to use the Rite and Missal of that Diocese in which he finds himself, as probably says the same Croix n. 368. Formerly, Missals having the Rite of our King were suspended in the Canon; but today, according to Croix n. 369. with other more recent ones, there should not be any scruple about this from the introduced custom. Confessarii autem et Capellani Monialium possunt quidem dicere Missas Sanctorum de quibus ipsæ recitant Officium; non tamen Missas proprias illius Ordinis, sed cum Missali Romano et de communi; ita S. C. R. annuente Clem.

XI, on the first day, note 1708, page 391. — « IX. Minister, secundum Vae. Fag. Zeroth under mortal sin, and indeed a male; yet in a grave necessity, for example on a feast day, or when giving viaticum, one could respond for himself, say Sa, res. 43. from others. In quo casu etiam foeminam adhiberi posse docet d. 1. et Sylv. idque quibusdam Belgij partibus consuetudine inductum esse docet contra communem, apud c. c. et March.

de ord. 1. 3. c. 15. ubi vult hoc esse peccatum mortale. Nevertheless, if a minister were absent around the altar, and a man who was unable to respond were present, the Moniales from the choir could respond, 'not to be prohibited,' notes Card. de Lugo, c. ... where it is also doubted what kind of sin it would be to celebrate without a minister?

It is certain among all that it is mortal according to chapter Proposuit 6. de Fill. Priest when he says: "For the presbyter cannot celebrate the solemnities of the Mass without the suffrage of a minister." » Verum communiter dicunt DD. licitum esse celebrare sine ministro urgenti necessitate ministrandi viaticum. Thus Lugo, n. 103. d. 20. tract. 14. Reply 43 with the clergy. Villal. et qu. 6. with the Glossa on c. Quessiot, de verbo significie.

Tournely page 825. v. Hereupon, and Sylvius III p. q. 83. And the same they concede, Tournely, Lugo, and Diana along with others cited by them, that the people hear Mass from a precept: but as for the celebrant, he hears Mass from a precept himself alone, and Diana excuses this in the aforementioned place. And Tournely and Syloius do not condemn this, although they do not approve it. They say probably (besides Lugo 825 and n. 101 with the Decree, that after Mass, especially if oblation has been made, it is permitted to the celebrant to proceed without a minister, should this one have departed and not returned soon. They also probably say that the celebrant should not be troubled if the minister pronounces incorrectly and does not easily correct errors, lest he disturb himself or those present, or the order of the Mass; although Croix with Gobat advise that the celebrant supply what has been omitted by the minister. It is said in n. 390 with Quarti, that the Rubrics concerning what is to be observed by the minister are merely directives, and do not bind to guilt; but I do not acquiesce to this.

Rationabiliter vero advertit Lugo d. 20. n. 303., minorem necessitatem sufficere ad celebrandum cum ministro nesciente respondere, quam sine ministro. But that which is found in c. 61, de Conser, dist. i., where Pope Soter says thus: "This too has been established, that no presbyter presume to celebrate the solemnities of Masses unless there be present two, who respond for themselves; and a third is counted as present; because, when it is said pluraliter by Him, 'The Lord be with you,' and 'Pray for me,' it is most clearly fitting that his response be made to the salutation." They explain this, D. Thom. qu. 83. art. 5. ad 12., and Bellarm. nu. 640. thus: hoc intelligi de Missa solemni. In private Masses (says D. Thomas), however, it suffices to have one minister who bears the person of the whole Catholic people, from whose person the Priest responds pluraliter. » 392. —. Doubt is cast 2. Whether a priest celebrating sinned gravely by

responding through a woman?

Affirmant Nunnus ap. Dianam, p. 2, tract. 14. Reply 44. but commonly they deny no. 13. section 2. 88. Tournely page 825. verse. Hereupon, and Diana in loco citato cum. Molf. 1. nu. 69.

Tourn. with Lugo, and Hurt. well permit that women sometimes respond from afar, especially if they are 182 LIB. VI. TREATISE. III. ON THE EUCHARIST. CHAP. III.

Sanctimoniales, modo non immediate ministrant in altari, porrigendo urceolos etc.; id enim non posse excusari a mortali, ex c. 1. By inhibiting from cohabitation. Clr. ubi foeminis omnino interdictur celebranti ministrare. And thus he rightly observed that it would be more fitting to celebrate without a minister out of urgent necessity than with a woman ministering. 393. — « X. Crucified; unless it is exposed the Venerable Sacrament, yet not nevertheless under a grave obligation; likewise concerning the veil, Lugo d. 29, sect. 2. n. 9. Gao.

In the Rubric of the Missal, page 1, title 20, this is found solely: "Upon" the altar shall be placed a Cross between the candlesticks. But it was said by the Sacred Congregation of Rites in the Decree issued on May 14, 1717 (among Merati's volumes 1, page 2, in Index number 605): "Over the altar, on which SS." The sacrament exposed, the cross should be customarily placed with an image of the Crucified attached. » That nevertheless is to be understood, as Merati says in tom. 1, p. 603, v. Upon it, only while Mass is celebrated. Moreover, it is prescribed in the Caeremoniale Episcoporum, lib. 2, cap. 12, thus: « A small cross with an image of the Crucifix above the tabernacle in which the SS. are kept. »

The sacrament upon the altar is not sufficient in the Mass, but a crucifix should be placed on the altar among the candles. "This was confirmed by the Sacred Congregation on June 16, 1663, at Merati, as stated in the aforementioned (V." Not. X, page 146.) But there is doubt i. Whether it is a mortal sin to celebrate without the Cross? Affirming Renzi c. 4, q. 15., and Aorsa qu. 11, sect. 3, because it is a grave matter, since in the sacrifice of the altar the sacrifice of the Cross is represented: but they commonly deny . 81, sect. 3, n. 17.

Tournely p. 809. nu. 30. Merati t. 1 p. 1 p. 297 et cum p. 708 et n. 19 qui dicit Crucem non esse tantæ necessitatis ut sine ea non posset celebrari cum rationabili causa. Moreover, in no way can a priest who celebrates without the Cross be excused even from a venial sin according to the

Decretals. Benedict XIV, in his edition of 1746, where it is said: "In nullo modo fiat sacrificium, nisi Crucifixus inter candelabra ita promineat, ut Sacerdos et populus eundem Crucifixum facile et compendiose intueri possit; et imago non sit ita tenuis et exigua, ut ipsius Sacerdotis et populi oculos pene effugiat." The same is prescribed in the Ceremonial of Bishops. And the Sacred Congregation of Rites also decreed that even on the altar where the Exposition of the Veil is made.

The sacrament is to be placed with the Cross having an image of a Crucifix, as is found in Meratum, and La-Croiz l. 6 p. 2 n. 32. The Crucifix on the altar does not require such strictness as the Cross does; for through the mere Cross there is already a representation of a bloody sacrifice; see Bissus at p. 295 and Dubitatur 2. And when there is a statue of the Crucified on the altar, another Cross is required? They affirm in title 40, letter ult., and note 53, because according to the Rubrica it is required that the Cross be placed among the candlesticks. But it should be denied that there is a requirement in the Caeremoniale Episcoporum l.c., where it is said: "However, on an altar on which a large statue of the SS." » Crucifixi, non est necesse, ut ponatur alia Crux, dum celebratur Missa.

"This was confirmed by the Decree of the Holy See no. 400." And the same must be said about the depicted image of the Crucified, write Pasqualium. Fourthly, and Giribaldus according to the Decree of the Holy See as referred to in number 17. The cross, however, should not be blessed according to the decree, juxta Decr. The Sacred Congregation on July 12, 1704, at the same place it teaches regarding all images to be placed in altars, says that they can be blessed, but that I do not necessarily have to bless them. 394. — « XI. Double candle kindled, from wax, indeed according to Fag. and March.

However, in necessity, with a clear removal of scandal, one suffices, whether it be from animal fat, or a candle, or a lamp from oil. See c. num. 17. q. 15. Without any light at all, it is never permitted to celebrate; Lugo d. 30. sect. 2. n. 77. so that if it were extinguished before consecration and another could not be had, the Mass should be left unfinished, even in necessity of consecrating for a dying person as viaticum, says c. 22. n. 19. and sect. 1. In the Rubrica page 1, tome 20, it is thus stated: "Upon the altar there should be placed candelabra containing at least two candles burning both from the front and back on either side." It is certain among all that a mortal sin is committed in celebrating Mass without any light, according to c. Litteras ult. de celebrat. q. 5. Tournely p. 809. qu. 11. cum q. 17. et idem sentit Croix n. 392. (contra cc. ac §. 4.

Renzi c. 4. qu. 17. (contra Croix n. 392. cum Gob. et Leand. Lugo autem d.

20. nu. 77. et Sporer nu. 381., quos ipse citat, id minime dicunt, imo potius sententiam contrariam adhaerent; ita quod si ante consecrationem deficiens sit lumen, omnino desistendum est a celebrando; secus si post consecrationem. In what case, if the candles can be immediately relighted, he says it is better to proceed, because the continuation of the Mass pertains to the unity of the sacrifice, and he also says the same thing in that place. Quintana d. si candela non possint ita facile reaccendi, ut expectandum sit ad quadrantem, ob eamdem rationem. But to recite the Gospel of St. John after extinguished candles is said by the Fourth to be no sin, according to n. 397 of Croix, because such a Gospel is not part of the Mass, for it is said after Ite Missa est. But they say more probingly, according to title 12, liturgy f., with Merati ibid., that candles should not be extinguished unless after the Evangelium, as truly prescribes the rubric, although this Evangelium was formerly at liberty, yet today, as Butrius and others observe commonly, it is said out of obligation, by command of S. Pius V.

The Priest ought not to extinguish the candles, if while reading the Gospel he ministers to them. Item probabiliter ait Croix n. 398. cum Spoliatione 184 LIB. VI. TRACT. III. ON THE EUCHARIST.

CHAPTER III re, nullam esse obligationem accendendi tertiam candelam post Sanctus; sic enim hodie communis usus habet. It is doubted i. Is it licit to celebrate with candles made from tallow or oil? Tolefus affirms in chapter 2, note 12. But commonly the Doctors teach that this is a mortal sin, because such use is most indecent and utterly foreign to the universal custom of the Church. And this is also held in necessity, as the 81st section 6 states (speaking here of tallow candles), and Escobar 1:21 number 457 with Villalobos and Fagundes

But commonly and probably, according to lib. 10. cap. 27. qu 15. Wigandt tr. 15. n. 6. Tournely at the aforementioned location. Sporer n. 383. with Tanner say that it is licit to celebrate with oil or fat in necessity; and Escob. num. 458. thinks it probable, as he well observes, provided scandal be avoided. I do not approve, however, what Pasq. says. Gob. et alii (cumque Suarez loquatur de luce ex oleo), id est non esse illicitum celebrare cum candelis ex oleo vel sebo, etiam ex sola devotione, si aliae haberi non possint; nam haec non videtur causa gravis sufficiens ad excusandum a mortali, ut supra dictum est.

It is doubted 2. Is it licit to celebrate with one waxen light? Fagundez, in question 5, denies this and says that it is mortal. On the contrary, q. 15 and n. 31, etc., hold that there is no sin before a scandalous act has been committed. But I think it is more probable and common with Tourn, p.

8og. R. to 3. n. 14. et qui cita Franc. et Lugo; id esse tantum veniale; a quo puto perinde quamcumque causam rationabilem adhuc sole devotionis, secluso scandalo, excusare.

But it must be noted that it is not licit for anyone, nor even for general Vicars, to celebrate with four candles; this was declared by the Sacred Congregation on August 7, 1627, in title 20, number 21, letter y. And thus likewise this is forbidden to other Priests, unless they are Cardinals, Bishops, and Abbots having the use of Pontificals; but only when they themselves celebrate; according to the Decree g XIV, Notif. 29. n. 16. 208. — « XII. Requiritur etiam antipendium, pulvillus, can- delabra, bursa, velum, manutergium; sed non benedicta: et si » quid ex his desit, ex profanis congruenter mundis mutuo ac- cipi, et deinde priori usui reddi potest. . i. cap. i. §. 3. Properly says Busemb., this is not blessed, because they are required solely for decency. He thinks that there is no sin in celebrating without antipendium, especially if it is omitted on account of poverty; but Fourth [i.e., Quarti] at Croix n. 326 says that it is venial, and I think this more probable, since the antipendium is required according to the rubric of tract 19 n. 20 where it is said: «The altar shall also be adorned with a pall, as far as it may be done in color on a feast day or fitting office. »

» Altars, however, should be accepted made of marble, or those which are commonly called altars Pauline, whose use has today become most widespread. It is also required from the same Rubrica: « In the horn of the Epistole (let a cussinus be) placed under the Missal. » » Indeed properly in lieu of cussino a legile is licitly substituted, commonly called a readerino: likewise a handkerchief with a pelvicula: « Parentur ampullæ vitreæ vini et aquæ » with a pelvicula and a handkerchief. » Concerning the veil and the bursa, it is stated in Rubrica lit. 1. n. 1. « It covers (the priest's host) with a small white pall, then the silk veil. » Upon the Veil he places a Burse of the same color containing the corporal folded within. » Wherefore those do not act rightly who carry the corporal outside the Bursa, as truly says where it refers that S. Pius V dispensed with the Spaniards, so that the corporal might be carried outside the Bursa.

Croix however, nu. 33o., says that to celebrate without a Veil when none is had, is not a sin; for he says that a Veil, Manutergium, Pulvillum are required only for decency: And the same opinion holds for a Bursa with Sporer. 396. — « XIII. It is not permitted to celebrate with a covered head, even in illness, without license, as teach . and . sacr. loc. cit., licet l.c. which limits the case to necessity, in which it would be difficult to recourse to the Pope. He, however, who should do so without permission, does not thereby commit a mortal sin, secluded in contempt and scandal,

he says. 14. R. 58. He considers it probable if time. Let the canon be received.

» 397. — Doubt 1. Is it licit to celebrate with one's head covered? It is certain that this is not allowed according to c. Nullus, from which it is said: "No bishop, presbyter, or deacon shall presume to assist at the altar of God with a covered head." » Added is the precept of Urban VIII, appended to the Roman Missal, in which it is prescribed: « No one dare » use a paillet in the celebration of Mass without express permission from the Apostolic See, notwithstanding any contrary custom. » But truly Croix notes n. 400 that this precept does not obligate the Chinese, among whom covering the head is a sign of honor, and uncovering it is a sign of irreverence. Whether, however, it is a mortal sin to wear a sacred pileolus, commonly called Berrettino?

Affirmant Angel. v. Massa et Arvilla eodem verbo, quia hanc reputant materiam gravem, cum grave repugnet reverentiae Sacramenti. They, however, deny this, and consider it probable. 400. But not probatively Quarto p. 2. t. 2. dub. 3. Pasquier q. 845. et cum et alios ap. And consequently, it is probable what they say, namely number 10 with Sa, and Vasq. 16 with et et Dic., namely that celebrating Mass with a subdeacon is not illicit without dispensation, except according to the canon and precisely to avoid scandal, if it is celebrated in a private place, or if there is such a reason for celebrating it.

VI. TREATISE. Hydrotherapy. ON THE EUCHARIST. Let it be manifest to the High and Sublime, for instance on account of the old age of the Priest or the cold of the place, such that one would not be able to celebrate with his head bare without notable discomfort. Hereupon they say, Tournely, page 826.

At Paris, and this was approved by Benedict XIV in the Sacrific. l. c. 7 and 9, at least for him who labored under a more grievous illness; neither does the statute of Urban VIII prohibit this; for it is not to be considered, says the Apostolic See in a case extreme, and in a minimè diurno morbo, that this matter should be declared illicit. They say moreover in the 8th question, section 3, number 29, and also in Sa, likewise in note 400, that when a cause comes, for instance, through infirmity, the Bishop or Prelate of the Order can give permission to celebrate with a covering on the head, whether it be a cap or a pileus. But this must be denied according to Gaon and Aversa in Croix, according to the Decree of Urban VIII cited there, where it is expressly forbidden to offer with a pileus without Apostolic dispensation. This was confirmed by the Decree of the Sacred Congregation of Rites on April 24, 1626, where it was said: "The use of a

pileus in celebrating Mass pertains to the Pope:" Also incidentally to note another decree of the same Sacred Congregation on August 13, 1695, which states: "It is not permitted to those who minister the Sacrament to the sick parishioners to use even a small pileus either by day or night under pretense of infirmity without special license from Holy See." "390. — Dubitatur 2." Is it licit to celebrate with artificial hair, commonly called a Peruke?

The Decree of the Sacred Congregation of Rites published on 3 August 1625 states: « The Mass cannot be celebrated with a false beard called a Perruca. » It is said by Pasch. on page 83a, to be permissible to celebrate with artificial hair, for a reasonable cause. But Croix n. 401 notes that this is also today forbidden by the Decree of Innocent XI, promulgated in the Diocese of Cologne on the day of the 21st. March 1680, where it was holy, "not to be able to grant priests permission to wear such hair in the act of celebration during the ceremony, prescribing this for all and each one out of reverence due to so sacred a Sacrifice, that they presume not to assist at the altar of God except with uncovered head; and this under the penalty of suspension from Divine offices." “(V.” Not.

XI, page 146.) "Plura de his omnibus vide apud Bonac." Card. de Lugo d. 20. sect. 4. Esc. Ex. 11. ubi notat, non obstante gravis est obligatio servandi ritum celebrandi præscriptum in Rubricis Missalis, ideoque grave sit omittere, v. » gr. oblationem hostiæ, vel calicis, vel modica infusionem aquæ (. sacrif. l. 2. c. 5.) nihilominus levitatem materiæ sæpe excusare à culpa mortali omissionem, etiam intra Canonem, monet Escob. l. c. 399. — Quæritur, an Rubricæ Missalis sint tantùm directive, sive de consilio ad instruendum, vel sint præceptivæ obligantes ad culpam? Above all, in this matter, it is to be noted what is contained in the Bull of Saint Pius V, appended at the front of the Missal, where it is thus stated: "We command and strictly enjoin upon all and each, by virtue of holy obedience, that henceforth, with all other reasons and rites omitted from other Missals, Mass may be said according to the rite, manner, and norm which this Missal has now been handed down to us."

Ne- » que in celebratione Missæ alias ceremonias, vel precibus, » quam quae in hoc Missali continentur, addere vel recitare » præsumant. » As to the sought-after four, there are the opinions of the Doctors who on this point speak with great confusion. The first opinion, which is held on page 811 at the beginning, states that all Rubrics are directives, although they do not prescribe, but merely consult or instruct. But they justly reject this opinion, Quarti qu., prosaical sect. 2., p. 1., et Victor- ian. in Memor. Cler. 2. p. 9. The second opinion, which they hold, section 3, paragraph 83.

Astor. tom. 1. l. 10. c. 29. q. 6. Bonaventura, dec. 4, q. ult., p. 7, § 3, n. 3, cum lex et p. 2, pag. 786, dicit omnes Rubricas esse præceptivas ex præfata Bulla S. Pii. Whereby all are of the opinion that the Rubrics obligate under a grave penalty of their own kind, and can be violated only by a matter of light gravity venially. The third opinion, however, which is held by title 21, n. 1 and n. 7. Lugo d. 20. n. 105. v. Second Council page 509. n. 1.

Sporer from number 423. page 86. number 376. page 268. Diana page 2, tract 14. Reply 70. Renzi c. 9. q. 14. § 1. n. 1. cum n. 1. censet alias Rubricas esse præceptivas, alias directivas: Dicunt enim esse præceptivas Rubricas illas, in quibus apponitur verbum Graoiter peccat, vel quae aliunde sunt præscriptæ à jure, vel à consuetudine, prout sunt Rubrica circa integritatem Sacrificii, materiam et formam, jejunium, vasa, vestes, etc. Directivas autem esse, v.g., orare ante vel post Missam, numerum collectarum, lotionem manuum, genu-flexiones, cruces, etc. Ex auctoribus verò hujus sententiae alii, ut Concina. Sed pace ipsorum haec doctrina non sibi congruit; repugnat enim dicere Rubricas esse tantùm directivas, et obligare ad culpam; quia, si obligant, re vera potius præceptivæ quàm directivae dici debent. Therefore others say more appropriately, as Gavanf. Lugo, Holzmann, et alii.

However, the fourth opinion which I follow, and which Merati holds on page 787, and Tournely on page 811. Resp. Et Quarti d. qu. proem. sect. 2. p. 2. distinguere Rubricas in eas quae serventur intra Missam, sive in actu celebrationis, et in eas quae serventur extra ex Tridentino sess. 7. Can. 13. where it is said: "If anyone shall say... those rites approved by the Church to be used in solemn administration of the Sacraments to be contemned or slighted, or to be dispensed without sin by Ministers at their own pleasure, or to be changed into new and different ones... let him be anathema." It is certain that the celebration of Mass also pertains to the administration of the Sacrament of the Eucharist. It is proven and expressly from the enunciated Bull of St. Pius, where it was thus stated: "Commanding and strictly ordering all in virtue of holy obedience, that the Mass be recited and read according to the rite, manner, and form prescribed in the Missal." » Then is added: « Nor in the celebration of Mass let them presume to add other ceremonies or prayers. »

Whereby it is evident that the first opinion and also the opinion of Pellizarii and Rensi is false, namely that this Bull does not oblige under a grave penalty; for in itself it merely prohibits the introduction of a new rite, but neither the change nor the variation of ceremonies or prayers: for the Bull contains two distinct precepts, and indeed one of them is grave (since it commands strictly and in virtue of sacred obedience), namely that

other ceremonies and prayers not be added except those prescribed in the Missal; the second precept concerns celebrating Mass according to the Rite, Mode (note) and Norm of the Missal. It regards the Mode and Norm that the ceremonies prescribed in the Missal may not be varied. 400. — Hence rightly Croix says n. 422: "And I feel the same as the Concilium on page 500, n. 2., regarding him who advertently does not bow down to the ground, or merely kisses the altar in sign, or disturbs blessings contrary to the prescription of the Rubrics." Item dicit Croix ibid., cum Pascam esse veniale facere nimis celerite, vel nimis prolixitatem. Furthermore, the Council reasonably adds ibid., n. 75. Croix l.c. et q. 4. in fine posse esse etiam mortale, si quis haec caeremonias, esto non ex gravioribus, omitteret in notabilí parte. Hence, probably, they assert Ronca-Glia, Quarti p. 1. tit. 16. p. 6. diff. 4. et n. 7., that it cannot be excused by a mortal Priest absolving the Sacred quadrant, from which it does not seem to dissent n. 814, saying that it is not possible to complete Mass within the quadrant without many imperfections.

Wherefore merit he said Roncaglia with Quarti, and Pasq. Bishops and Prelates of Regulars are to hold this grave and scandalous speediness in check. And from this offense not to be excused is rightly and consequently said in number 1: "He who through gross negligence does not run to learn the ceremonies." Optime hic docet Benedict. XIV. Notif. 34. nu. 30. cum Quarti, quia breviore spatio non possunt omnia debito decoro peragri, et longius tedio esset adstantibus.

Hence we say that it is difficult to excuse a mortal Priest who would absolve the Mass in less than a quadrant, even if the Mass were from breviaries or on Saturday of Holy Mary; because in so brief a space necessarily two grave defects must be committed, one of which is a grave defect IN THE EUCHARIST. AS IT IS A SACRIFICE. DUB. III. 189 necessariò debet committere duos graves defectus, alterum gravis irreverentiae erga Sacramentum, alterum gravis scandali erga populum. And that we may not seem to speak without foundation, let us bring both voices to the touchstone, taking up the matter from its own principles. It cannot be denied that rubrics, insofar as they concern the observance of ceremonies within the Mass, are all preceptive, as we have proven in number 399 with Tourney, Quarti, and Merati from Canon 13 and from the Bull of Saint Pius V, where it is prescribed: "distinctly in the virtue of sacred obedience, according to the rite, mode, and norm prescribed in the Missal, the Mass shall be chanted and read."

From which words it is clear that such a precept regarding the ceremonies of Mass must without doubt be considered a grave one, distinguishedly and in virtue thereof, etc. Wherefore, he who omits ceremonies in matters

light is not excused from a light fault, just as he who in matters grave is not excused from a grave fault, as we said above with Croix, Honc. Vigandus, et Concilium. It is impossible to celebrate Mass below a quadrant, without omitting either the words or the ceremonies; or at least without notably diminishing the decency and gravity so due to such a Sacrifice. This however must be diligently observed: for who would perhaps say that he himself pronounces the words of the entire Mass correctly, and performs all the ceremonies of the Mass well? But although it might be granted that someone is so skilled in speech and movement as to satisfy within such a time all the words of the Mass and its ceremonies, nevertheless, at least morally speaking, it is impossible that he celebrate Mass without notably detracting from one part of reverence due to the Sacrifice by those present, and from another, that he himself be the cause that the assisting people fail in the veneration which is owed to such a Sacrifice.

But speaking first of the reverence which the celebrant himself ought to show towards the Mass. The Council of Trent, Session 22, does not instruct thus: "How much care is to be taken that the most holy Sacrifice of the Mass be celebrated with every religious cult and veneration," anyone who reflects upon this will easily consider it a curse laid upon sacred writings to call him who performs the work of God negligently, a maker of curses. Wherefore if necessarily we confess that no other work is so holy and divine for the faithful to treat than this very tremendous mystery.... it is sufficiently apparent that all care and diligence should be laid down in setting forth this, so that as great interior purity and innocence of heart may be made possible, and exterior devotion and piety carried out in due form. Therefore it is added: Since indeed many things seem to have been repelled by the fault of times, or through human negligence and wickedness, which are alien to the dignity of so great a Sacrifice, that due honor and worship may be rendered to it for the glory of God, and for the edification of the faithful people, the Sacred Synod decrees that the Bishops of the dioceses diligently attend to and ensure that all things be prohibited and removed which either from the greed (idolatry's servitude), or from irreverence which follows barely from impiety (noted), or from superstition (false imitation of true piety) have been introduced. First therefore the Council declares the malediction pronounced by Jeremiah 48 against those who perform the functions of worship negligently LIB. VI.

TREATISE III Unleavened Bread CAP. III. Celebrantessine debita reverentia ac gravitate, scientes hujus modi negligentiameaminveherelireverentiamquaeabimpiefate, vix se juncta esse potest. Moreover, the Ceremony in the Mass is prescribed by the Church for a certain reason, that due reverence may be rendered to the venerable

Mystery, which conveys the majesty intended for the Sacrifice; how then can irreverence towards the Mass ever be considered light, if it is offered by one who is almost unjoined with reverence? Indeed, such a celebrant cannot celebrate worthily without many defects, namely, that he mutters the words, omits blessings, and moves and turns in an improper manner, and does what is more disgraceful still, that he complicates the words with ceremonies or anticipates or postpones what is prescribed by the Rubrics? Which if it is not to be able not notoriously detract from the intrinsic decorum's debt due to the Sacrifice, which is required, so that not only are the ceremonies discharged, but also that they are discharged with gravity consonant with what within the space of the temple and bema can be used properly

This concerning the reverence to be shown by the celebrant himself. Respect - pectuante tamen ad reverentiam exigendum ab ipso Celebrante præstanti, ut attendas id quod traditidem Tridenti sessio secunda caput duo de Sacrificio c. 5. Miss there: "When any man is so constituted that he may not, yet easily and without exterior aids to sense, raise up in his mind a meditation; for this reason also the Mother Church instituted those rites which she has received from apostolic discipline and tradition, whereby she commended the majesty of the Sacrifice to be adored, and excited the contemplation of the faithful by these visible signs and most pious mysteries which are latent in this Sacrifice, that they might be excited to religious and devout meditation." Therefore, as the Council teaches, these sacred ceremonies have been instituted, that through such visible signs the faithful may advert to the majesty of the Sacrifice and the sublimity of the ineffable contents of the mysteries. But with this kind of ceremony exhibited even more festivally, as indeed it portends to be sprinkled with water in a brief time within the temple, then they themselves do not merely introduce something small concerning the reverence due to the Missa, but also on account of this superabundance there is a cause why the people may lack devotion towards the Sacrifice. Therefore, since the end of the Ceremonies is grievously impaired, the Priest celebrating does not have the right to excuse himself from such a grave fault on account of the serious scandal which he offers to the people.

And therefore, the Council of Tours, in the year 1583, appointed, that priests be well instructed in 'the ceremonies of the Mass,' 'n e' having been committed to them by the people (the words of the Council), they should rather revoke devotion, than invite dread or mystery of the sacred things. Because, moreover, they may invite us to pay them veneration. Because also when through excessive devotion and without due moderation the Mass was dissolved, neither did it invite the people to attend in order to contemplate the mysteries, nor did it invite the due veneration that is

owed to us, but rather it invited the casting off of veneration to be abjured, or rather it brought about disturbances in the minds of those present against faith by removing, or at least diminishing, belief, while recognizing Christ the Lord there present with irreverence towards the celebrant. And this indeed is that scandal and harm which cannot be excused on account of grave culpability. Ita res se habet, sed heu quanta sunt Superiores isti, et quanti Sacerdotes, qui de hoc sibi scrupulum injiciunt? The Correctors exclaim, the writers who teach rightly exclaim, that a great disturbance of ceremonies is involved, and consequently that the absolution of Masses cannot be excused from grave fault before the fourth quarter; but how many are there who have care to avoid these things?

Such a corruption ought not indeed to be pursued with a reed, but rather with tears, since daily we see that the secular priests perform this tremendous Sacrifice worse than they treat matters of lesser temporal moment, so negligently that they seem not to have any faith in such a great mystery; but what is more deplorable still, even the Religious, who are stricter observers in other spiritual matters and occupy much of their day with them, do not hesitate to perform Mass, which is most divine for all, in the briefest time, nor do they themselves abstain from this detestable abuse, nor do the Princes care to reprimand them. How this is complained of by the Venerable Cardinal Bellarmine, related in the Bull, Year which, etc., n. SS. Benedicti XIV. (in Bullar. tom. 3. nu. 3. §. 15.) « Aliud est etiam lacrymis uberrimis dignum, quod ob nonnul- lorum Sacerdotum incuriam, aut impietatem sacrosancta Myste- ria tam indecorè tractentur, ut qui illa tractant, videantur non credere Majestatem Domini esse præsentem. » Nam et sic aliqui sine spiritu, sine affectu, sine timore et tremore, incredibili festinatione sanctum perficiunt, quasi Christum Dominum non vidissent aut a se ipsum ei se credere non crederent. Merati however says on page 788, note 3, besides the Rubrics of the Missal, which are considered as a proximate rule for sacred rites, there is also the Decrees of the Sacred Congregation of Rites, which should be esteemed equally as a proximate rule, since this Sacred Congregation has the faculty of declaring all doubts concerning rites; as is gathered from the Constitution 74 of Sixtus V, and therefore its Resolutions are held as the Oracula of a Pontiff. Notat vero non omnes ejus Declarationes dici Decreta rigorose sumpta, sed tantum ea quae emanant in forma rigorosa Decreti, vel saltem in fine habent aliquam Decreti clausulam, puta, « ab omnibus servetur: servari » ab omnibus mandavit, etc. Si vero sunt Declarationes tantum Dubiorum, tunc juxta nonnullorum opinionem censentur duntaxat directivae, reputantur enim sapientissimarum virorum Responsa.

But Ursaia says that such resolutions should be preferred to the opinions of other Doctors. Up to now Merati. The same is felt by Euseb. Love. vol. 3.

on Sacraments, q. q. In the subsequent question, no. 10., it asks what should be done if there exists in some Diocese or Religious Order a custom contrary to the Rubrics? And thus he responds: "The Sacred Congregation of Rites constantly tolerates the custom," at least the one that is immemorial and contrary to the Rubrics. Therefore safe is the custom.

IB. VI. TREATISE. III. ON THE EUCHARIST CHAP. III. Knowledge, however, conforms itself to the diocesan custom, especially in matters of lesser moment which do not yield to deformity in public worship.

This was derived from several decrees of the Sacred Congregation at Merat, where it is said that customs should not be discarded unless they contain positive indecency which cannot decently be tolerated. 402. — The rubric moreover prescribes that the celebrant should be shod. This, however, is sufficient, provided that he be shod with sandals, commonly called pianella or slippers, as correctly states Croix n. 399, and this is customary practice. It is common, however, that to celebrate Mass barefoot out of contempt, does not exceed veniality, so . 82. sect. 3. num. 16. Croix l.c. Lugo d. 20. n. 102. num. q. q. 3. R. 1. n. 29 et Diximus sine causa, nam ex necessitate aut rationabili causa dicunt Croix ibidem cum et ll. cc. nullum esse peccatum. (V. Not.

XII. page 346.) Croix also says number 402. that one who could not celebrate without a staff may licitly use it. He adds moreover in the same place. Gobat. Quod si quis nequiret celebrare nisi utroque brachio super altari innixo, licitè sic celebraret privatim, non autem publicè, nisi hoc faceret ex necessitate. Nevertheless, I think this does not exceed a venial sin from which one might seem excused if through infirmity he could not stand upright and recto modo desired to celebrate out of his devotion, provided that popular admiration be avoided. They also say, Croix n. 427, and P. Concina p. 510, num. 4, that if someone cannot elevate the Host but can elevate a relic, he can celebrate privately, and even publicly, if necessity be present, and the people are warned; but I think it is enough to warn only the people, if someone celebrates out of devotion. 403. — “Wherefore it will be venial only.” 1. To omit the prayers said "solitas," while the Priest is putting on his vestments, lest it be contrary to Naos.

Syll. et Achor. » teach . But they hold that the lotion, even though it should not easily be omitted either before or after Mass, does not appear to be sufficient matter for a rigorous precept, 2. To omit the Gloria, or the Credo, or the name of some Saint in the Canon, or those things which are interposed among the Communicants during the time of Paschaltide, or after the action. Diana page 2. tome 14. R. 49.

and 80. from c. res. 4. denies that there is a » sin, from . If anyone, however, in the Mass notices something omitted by himself, says de Exped., it is regularly not to be repeated. The Sacrifice, lib. 2, cap. 5. He says regularly, because: 1. if it concerns the substance, for example something pertaining to consecration, it is certain that it should be repeated. 2. if while praying secretly he afterwards notices after a few words that he has omitted something notable, for instance on Easter Sunday, during the Communion chant, it is thought that one should slightly retreat and repeat it. c. Thus Filius. Case resolution 59. Escob. & (Ita communiter, omnes cum 443: qui rectè infert cum aliis, nullo modo esse repetenda Gloria, aut Credo; aut Praefationem, sive Communicaientes.

Therefore, this in itself, if omitted, either the Gospel or the Epistle, if it has been read instead of another.) 6 404. — As regards the omission of parts of the Mass, it is necessary to distinguish between ordinary parts and extraordinary parts. The Ordinary Parts are those which are always said or performed; and to omit these of themselves is a mortal sin, unless the lightness of the matter excuses it. Hence commonly the Doctors say that it is a mortal sin to omit the Confession with others at the beginning of Mass, the Epistle, the Gospel, the principal Collects, the Offertory, the Fraction of the Host, and that mixture in the wine. Thus. 83. sect. 3. Turnely tom. 5. p. 42i. Sporer from no. 43.

Mazzotta vol. 3. p. 209. Roncaglia c. 3. qu. 4. . 5. a. 7. §. 2. et alii passim; licet non omnia hac reperias apud omnes hos AA. The same should be said regarding Tourn. l.c., on the omission of the Preface, p. 405. In the canon itself, it is mortal to omit any prayer, or to change its words so that the sense varies, or to omit some word whereby, when removed, the remaining words do not convey a meaning, Conc. l.c. and Croix n. 419. The same should be said regarding the omission of the Pater Noster, or Agnus Dei with Mazzotta, although Croix n. 420 calls this too severe, but without justification. The same is to be said regarding Tournely on “Libera nos, Domine, non sum dignus,” and “Quid retribuam,” the same is also to be said concerning the purification of the paten and the chalice after the Mass; and Tournely says the same thing, if anyone were to omit ten or eight names of saints, as they consider more appropriate, according to tradition 16. R. 36. (contra qu. 16., esse etiam mortale omittere unius vel alterius Sancti nomen, sed rectius et communiter id negant q. 4., c. Croix n. 419. cum Fill.) Aorsa, et Diana, Renzi. l. c. cum . 3. 406. — Veniale autem est omittere Kyrie eleison, ut R. 2. tr. 14.

R. 59. Wigod tractatus XV. nomen 75. et Elbel nomen 280. They also say in Lugo, Distinction 20, number 104, and section 2, number 5, concerning

the Gospel 5. John, against the Reply 1, who not unreasonably says that when. It is venial to omit one or the other cross on the offerings, or the imposition of hands, or the washing of inanity, R. 3. and tr. 5. Reply 45.

The same is said in Croix n. 147, with Quarti, concerning the omission of the Psalm Judica, the sign of the Cross on water, the washing of the fingers at Mass, and similar matters. Even venial is it to omit one of the three principal collects, as commonly stated by Tour. 411. n. 3. . 283. and Croix n. 412. with Quarti. imò §. 2. num. 5. considers it not even mortal to omit two from these prayers; but others more correctly contradict, as in . 104 LIB. VI. TREATISE. III. ON THE EUCHARIST.

CHAPTER III dist. 83. sect. 3. n. 1. c. 4. n. 112. And thus concerning the Collect proper, for otherwise prayers which are added besides it in the Mass will not be a mortal sin to omit them, unless as stated in cc. If however the words of the Canon in the Missal are deficient and another Missal cannot be had except after a long time, then to omit those with memory not being held, there is no sin. And Croix n. 419. together with 407. — To mutilate the words or to interpose syncope, saving the sense and excluding scandal, is no more than venial, Croix n. 442. with who adds that there is no sin if it be from natural defect. 408. — The priest would indeed commit a sin, if in the purification of the feet he used only water, canon 3. From part 5. concerning the Consecration. Miss. ubi dicitur: “Semper Sacerdos vino perfundere debet postquam totum acceperit Eucharistiae Sacramentum.” But this will not be more than venial, as commonly stated in nos. 3 and 8, n. 423 of Croix, c. Quarti, in Gu. proam., p. 6; but better is it said by the Council loc. cit. and Bona, Amicus. Cosetti et Armand apud Mer. l. c. n. 21: id non excusari a veniali, si fiat sine dispensatione Pontificis; excusat- bitur tamen, ut dicunt, si adsit rationabilis causa, pro qua puto quidem suffocare aliquem esse abstinentium, vel vitam esse rubrum, quo purificatione evadent indecener maculata. It is fitting incidentally to advert that the blood should be taken with a single draught, according as commonly the doctors allow; but Baudel permits it otherwise

Gabrinus, sed melius dicunt Tourncl. Castald. et Crassus ibidem semel calicem ori admovendum, aliquantulum immorando, ut reliquiae omnes (quantum fieri potest) attrahantur. He, however, admonished St. Pius V in a certain title 10. l. That in the chalice may be poured the same quantity of wine as there were species of blood, and that it may be taken through the same parts by which the blood was taken. 409. — This we have treated so far concerning ordinary parts: but as regards extraordinary parts, namely those not recited in every Mass, to omit them is not a mortal sin unless certain notable matter were thereby constituted; thus generally all

should omit no more than such parts as together would constitute notable matter, as the n. 3 and W'ig. tr. 15 n. 75., what they say, and Pasq. apud Croix nu. 420, have well adverted to, even if the Fourth and Paschal writers say otherwise. See what is said in note 400. The omission of the Gloria, or Credo, Sequentia, Collectas (except those proper to the Mass), tractum, Prefationem, or Communicantes, or Hanc igitur will be only venial.

AS IT IS A SACRIFICE. DOUBT. Specialia. Thus commonly the Council and the Wigtown articles chapter two number eleven. R. 2. with Hemo and Croix n. 420. with Lugo, before the Mass the hand should be washed at least under a venial sin, and under a grave sin if the hands are extremely dirty, for the sake of reverence for the Sacrifice, as rightly they say, 1. R. 2. and 9. 4. with Fourth [Council] and others.

But to omit the washing after Mass will be no sin, as Croix says n. 413, cum Quarti, 410. — Doubt is entertained. Whether regulars who sin mortally, when naming the name of their general in place of the bishop according to the canon? Affirmant Vicares arcani. 7. nu. 2. Renzi c. 4. qu. 16. et Diana p. 2. tr. 14. Reply 50. from a certain Declaration. The Sacred Congregation says. But they deny the spor. . 437 and Gavan says in the declaration.

S. C. Et probatur clare ex Rubrica p. 2. tit. 8. n. 2. ubi dicitur, quod si episcopus loci sit vita functus, omittitur nominari episcopus. It is doubted 2. Whether it is a venial sin to omit the Prayers before or after Mass? They affirm n. 95, when speaking with Fag. and Leand., yet about those things which are assigned after Mass. But commonly they deny title 1, number 1, question 3, article 2. Antoine p. 492. n. 2. n. 2. §. 1. n. 1.

Eibel n. 267. et R. 2., quia in Rubrica non adest de illis praeceptum, sed tantum insinuatio, cum ibi in praeparatione Missae solummodo dicatur: « Orationes pro temporis opportunitate (hoc est commoditate) dicenda. » » Concerning which Gavan says: « Hence it is evident that there is no sin if one who is to celebrate them shall omit them, » and more commonly... are omitted by priests. » Nevertheless, this notwithstanding, I think that a priest who, without any other preparation at all, should go to offer sacrifice even from home, ought not to be excused from some guilt. Dubitatur 3. Whether it is a sin to omit prayers by putting on clothes? They deny it, Suarez d. 82. at the beginning, and Buchardus ap.

On the contrary Axor., lib. 10, c. 29, q. 5, n. 73, and Sylvest. apud them consider it to be a mortal sin, because, as they say (but not sufficiently probatively), it is fitting to celebrate mortally without vestments, just as

without prayers for vestments. Therefore, it must be held with the common opinion that this omission is culpable, but no more than venial, as Lugo thinks in dist. 20. n. 106. n. 32. n. 12. v. 8. num. 95. n. 8, and with Henry and Pighius, and with Dabitatur 4. Whether a Priest sins if he does not recite at the Solemn Mass what is sung by the Choir? They deny it via tractatus 15. n. 75. I g 6 LIB. Sixth.

TREATISE. III. ON THE EUCHARIST. CHAP. III. c. 10. n. 34. or 46. Diana page 1, treatise 14. R. 42. item 511. and Peliz.

They say that it suffices for the Priest to attend to what is sung; for what is said from either side is communicated to each other, as happens in Hours n. 3 and n. 7 and title 5 n. 4 and 5. Finally, others, as Lugo says on day 20, note 107, and Aorsa, question 11, section 12, not improbably say that it is held only under a venial sin. Reason, because then indeed the Epistle or Gospel is not omitted in the Mass, since those things are already sung solemnly by the Ministers for the instruction of the people, for whom they were instituted to be read or sung; hence that reading seems more fittingly prescribed privately for the priest himself than for the people: Therefore, the same matter may become grave through omission if it is not said by the priest but only by the Ministers, since in celebrating that Mass the priest and ministers make one. Dub. 5. Whether it is a mortal sin to celebrate Mass with notable voluntary distraction? They deny Croix n. 443. with Diana and Barbi, and Mazzotta considers it probable t. 3. p. 212.

And this, even if the distraction were during the consecration or the assumption; because (as they say) internal attention in prayer is not required under grave circumstances according to the opinion of many Doctors, as stated in 1. 4. n. 177. They indeed affirm number 13, question 2. R. 3. et consentit n. 8 et q. quoad ea quae recitantur in Canone, et signanter sub consecratione, et communione. To this opinion I adhere rather: reason, because (as previously stated in question one hundred and seventy-seven regarding the essence of the Prayer about which we have already spoken sufficiently) besides the reason of the Prayer, the Sacrifice has an additional reason of the most excellent cult of Religion; it seems a grave irreverence to impose that upon one who, while professing a religious act to honor God, voluntarily distracts himself. 411. — « 3. From devotion, something light to be added even in the secret prayer of the Mass, for example. The Dominican prayer, or a Psalm; or in the Canon, names of Saints, the name of the Patron Saint of the place, it is expedient to sacrifice. Chapter 5.

I said light: because notably to add is a mortal sin, the same question concludes. It is certain among all, that to add some mortal sin in the Mass,

with intent to introduce a new Rite, is mortal. See Suarez, d. 83, sect. 1, n. i., and others similarly throughout. Hence rightly P. n. 5 says that one commits a grave sin who adds new public prayers in Mass. If however, from importunate devotion, more collecta are added from the same Missal, or Credo, or Gloria, Pater, Aoe, or something similar, this does not exceed venial fault; thus commonly Concilium l.c. Soporifer n. 428. n. i. with p. 210. with . They probably say, however, numbers 5 and 429 of Concina with Pasquale, that although it is better to observe the Rubric, nevertheless it is not forbidden by any cause or devotion to add one Collect; and Gobat and Pescara, according to Croix ibid., state that this can also be done on a Feast of the second class, if there be a special reason.

Collecta autem pro publica necessitate potest esse tertia ad libitum, vel addi pro quarta, Croix I c.; communior vero opinio est ibid., quod omittenda sit in Festo I et 2. Classis. Here it is to be noted from the Decree of the Sacred Congregation that since it has been expounded upon the SS. Sacramentum, adhuc in Missa duplici, potest de eo fieri commemoratio; tunc tamen Praefatio debet esse communis vel propria illius Missae, ut ex aliis Decretis ejusdem S. C. apud Pition num. 1214 et n. 1643. In votoquisque Missis pro re gravi et causa publica semper dicatur Gloria; Croix nu. 464. And in a solemn Mass for a grave reason, or for a public cause, such as the forty hours, the Credo is also said, Croix n. 466.

In oratione ad cunctos non vetatur nominari quivis sanctus canonizatus etiam duo sed non plures; Croix n. 462. It is indeed forbidden to add in the Confession and all the more in the Canon the name of any Saint, as §3 n. 9 rightly points out. And thus it is also forbidden to add the name of other saints in public litanies before the people, according to the Decree of the Sacred Congregation of 22 March 1671. ap. 412. — « 4. To celebrate before the said Matins, as contrary to » Vasq. Lecs. Fa- » gund. . of which many nevertheless with Palao say » to be venial if it is done without a cause: although this too 1. art. 7.

§. 1. de exped. sacrif. in dubium vocet (De hac quaestione, an liceat celebrare ante dictum matutinum et laudes? See what is said (num. 347.) 8 413. — » 5. Which are prescribed to be said aloud, so that the mass may be said, that those who stand may not hear: Sacrifice lib. 1, c. 9, Naor. apud Sa. Mass. » But the same is noted by de Lugo, on the 24th day, section 2, with no scruple to be read with pressed voice everywhere out of fear. » Above all, this must be noted which is contained in the Rubrica partis 1., titulus 16., where it is said: "The priest above all ought to take great care that he distinctly and properly proclaims what should be clearly spoken, not too hurriedly so as to be able to advert to what he reads; nor too slowly (let those who indicate in the Missa devotionally abstain from

this), lest the hearers be afflicted by weariness: neither with a voice too raised (and here many err), lest he disturb others who perhaps are celebrating at the same time in that Church, nor so softly as not to be heard by those present, but moderately and gravely, which moves devotion, and is thus accommodated to the hearers, that they understand what is read, and what on the other hand should be secretly spoken, he pronouncing it so that he himself hears it, and that it not be heard by those present."

414. — Dubitatur. He who sins by pronouncing so submissively will err. 1g8 LIB.-VI. TRACT. III. ON THE EUCHARIST. CAP. III. words, that He may not even hear himself? §. 5. n. 2. from Naumachias: He says this one did not sin, because in order for speech to be vocal, it suffices that it be externally pronounced.

Others, however, as Croix nu. 438. tr. 16. lit. g. nu. 6. p. 3 n. 6. 1 4 c. 7 n. 6 and others say that this person has committed a mortal sin, because words which are not heard do not constitute vocal prayer. However, it is more probable that Tournely understands this on p. 842. v. True, this is not mortal, since it is sufficiently probable that the opinion expressed (namely, that external prayer does not require that the one praying hear himself), which Leym holds. Axor. Sylvius, 4. 1. 4. n. 163. when he says this, he accomplishes what is found in book 1. Regum c. 1., ubi dicitur: "Anna... oravit ad Dominum..., " dicens: Domine, etc. En oratio vocalis: deinde additur: Porro Anna loquebatur in corde suo; tantum labia illius movebantur, et vox penitus non audiebatur.

» But rightly 1. 16. dub. 1. it is not to be excused a mortal who would thus utter the words of Consecration. Reason, because when the opposing opinion of Palai and others, as stated above is also probable, the Sacrament was explained by danger of nullity, which certainly is illicit according to 418. — Doubt remains 2. Does one sin who recites submissively what is commanded to be recited aloud? It seems entirely to deny § 1. n. 1., inasmuch as it asserts that the Mass is recited without scruple with a voice completely depressed by those who are timid. On the contrary They respond that it is mortal. But I prefer to say it is not mortal, since the matter does not appear grave; yet it can hardly be excused as venial, since the opposite is explicitly prescribed in the rubric.

They say however concerning question 2. Reply 1. Cross n. 439. Maxotta t. 3. p. 211. and W igandt tr. 18. n. 76. do not sin those who, having submitted to another's dictation, recite secretly if they exceed the measure of secret recitation: But this does not satisfy me; for according to the Rubric it is not always sufficient to exceed the measure of secret prayer;

besides what must be said in a low voice during Mass, other things are to be recited aloud, and others in a moderate voice, and all these should be recited so loudly that those around can hear them; as even P. n. 6 considers it well, not now to require that the whole people hear the voice, but only that those who are near the altar and attentive may perceive what is read. 416. — Doubt 3. Whether it is a mortal sin to recite aloud what should be said in a subdued manner? Commonly do the Doctors say that there is no sin if the words are heard by those alone who have been ordained by the sole Minister; thus says P. n. 7, tit. 6, lit. g., and Croix n. 440 with Gob.

On the contrary, they think, Gao in loco citato et Quarti, lib. 1., tit. 16., dub. 1., that one commits a mortal sin by reciting aloud the entire Canon, or by adding to it a notable part thereof, or other prayers which should be recited submissively. Reason (as they say), firstly because these Sacred words would thereby become desecrated by constant hearing; secondly because the Priest, by thus uttering these words, would seem to wish to introduce a new rite, whence easily scandal could arise from this contempt. And Croix agrees as regards the words of Consecration, because the People (as he says), knowing those words, afterwards would use them rashly and for jests. Then he asserts that the common opinion is that it would be merely venial if the aforementioned words of Consecration were heard only up to 6 or 8 paces; but it would be mortal if heard up to 40. But he himself considers it to be mortal even at 10 paces, if a great part of the people are present within such a space; which, however, the Sacred Congregation dares not approve. I will speak concerning this what I feel: No doubt cannot be excused as venial, who in the Mass pronounces what is to be said submissively when it is against the Rubric, which as above prescribes that the Priest should hear himself and not be heard by those present.

Moreover, I would easily assent to being able to commit a mortal sin who should raise the words of Consecration or Canon so high that they could be heard at forty paces; for then he should elevate his voice with all effort so that it might be heard nearly three hundred palms away, and this would seem a grave scandal; truly someone wise would show contempt for such words and ritual. But who except by mind captured would do this? Outside this case, I cannot recognize in this a grave sin, since the reasons adduced hardly convince: for I do not see whence such a great scandal could arise, especially if the Celebrant devoutly pronounces the words; nor am I moved by the fact that those words might become vile or that the hearers might use them rashly; for if this were the case, even the Gospel of Saint John, which is said daily, would also need to be kept secret. 417. — « 6. To change the Mass, and on a Sunday, or a double feast day, for

instance, or those days on which it is prohibited to do so according to the double feast day, for example, during the octaves of Epiphany, Easter, etc., Wednesday, Ash Wednesday, during the greater week, the vigil of the Nativity of the Lord, without grave cause to read a votive Mass, or for the dead, or about another Saint in the number of related Saints. l.c.s. 40 thinks that it is allowed to read a votive Mass during Holy Week, which those refute, t. 8. R. 53. ex declarat. Card.

I have spoken. Without a grave reason: such is considered, namely, that which regards the good of the Republic or of the Prince, for example, necessity of rain, outbreak of war, pestilence, or similar universal evil: » (Iia etiam Sporer n. 430. et §. i. n. 4.) » Item solemn exposition of the Eucharist, for example, days before the fast. » (See to be said n. 421. below n. III.) » 2. When a corpse is present in the Church where its use has been established. t. 5. 3. If anyone celebrates in the Church where a proper local feast day is being observed: for this reason he both can and must conform himself to the place from the congregation, notes Gao. See 2 c. 6, who §. 2 et 4 addit, etiamsi Sacerdos accepto stipendio homini promiserit votivam vel pro defunctis, etiamsi in altari privilegiato non solum posse, sed debeo celebrare Missam currentem diebus quibus ista prohibentur.

Here understanding it, 200 LIB. VI. TREATISE. III. ON THE EUCHARIST. CHAP. III.

while, when the Mass for that day was promised. It is certain today, after receiving the Decree numbered 339. v. Question 1. Quod indulgences of a privileged altar are also received well even when Mass is said twice on the same day. This too must be noted, namely, that although many votive Masses have been accepted and non-obstructed days are insufficient, they can still apply to current Masses so as to satisfy the decree of the Sacred Congregation on May 19, 1614, from special Pontifical grace according to Merati p. 116). Nevertheless, even though God may have offered such Masses through a vow, these days are not nevertheless bound by them because the vow does not obligate when a greater good is obstructed, namely conformity of the Office with the Mass: otherwise on other days. I have said, in the number of Saints referred to: because if he is blessed only, of whom certain Priests, for example those of his Order, it has been granted to read Mass, this teaches Gran. 2. 2. cont. 1. c. 7. » d. 4. 5. 2. et Escob. contra Palarum, non licere aliis Sacerdotibus, etsi nullum aliud sit festum, de eo legere: eò quòd sic expressè determinariit sacra Rituum Congregat. apud Gav.

» See and c. cap. 6. where Palarum following says that it is more probable and more pious to hold the contrary. But it is certain concerning the Saints

of the Society, if they celebrate in the churches of the same Society by concession of the Pontiffs. The same is held by Quint., tom. 7. "single chapter 1. c. number 7." If anyone violates a rubric that is directed toward its essence, or quasi the essence of the Mass, or if he entirely neglects it, he commits a mortal sin. Escob. ex lib. 3. c. 21. num. 9.

"418. — This sermon concerning votive masses, namely when they can be said." From the rubric title 4, number 4. Votive Masses are forbidden on Sundays and on all Double Feasts. Likewise during the Octaves of Epiphany, Easter, and Pentecost, on Ash Wednesday, in the Great Week, and in the Vigils of the Nativity of the Lord and of Pentecost, according to the Decree. Sacrosanctum Concilium de Ritibus 28 titulus 4 numerus 3. Likewise, after the Octave of Corpus Christi, according to the Decree of the same Sacred Congregation from June 21, 1670, approved at six in the evening, page two, number forty-eight. Likewise, numbers two thousand fifty-five.

Decr. 19. The same is to be said all the more of the Masses for the Dead, which moreover cannot be expressed in the exposition of the Saints. The Sacrament of Forty Hours, and in the Church where it is celebrated on a double feast day, even if those according to the prescribed testament were to be celebrated, as stated in Decree 27 Aprilis 1797. ap. Merati in Indice n. 512. 419. — Exceptis autem his diebus semper dici possunt Missæ votivæ vel de Requiem. But it must be noted 1. what is found in the Rubrica under title 4, number 3, where it says: "Votive masses may be said in private masses for the discretion of the priests on any day when Office is not double or Sunday.... This however should not happen indiscriminately, but only for reasonable cause, and so that a Mass with Office can appropriately be celebrated." Note that unless there is a reasonable cause: hence Merati on page 116, n. 3, says that it does not suffice as a reason for celebrating votive masses throughout, so that the priest might readily dispose himself, or for any similar slight occasion.

But undoubtedly, a petition made by Dante for alms from some votive Mass will be a sufficient cause for celebrating that Mass. Moreover, he also considers it probable and likely that a special cause of devotion towards some Mystery or Saint is sufficient; for this (he says), prudent men without scruple do. But as to question 2. R. 1. ex Gao. pag. 1 tit. 4. lit. p. in fine, putat praefatam Rubricam esse tantum de consilio, et nullo modo obligare, ita ut etiam ad passim Missas votivas dicendas nulla causa requiratur; nam alias, forte dicit, videretur Rubrica sibi contradicere, cum antea dixerit Missas votivas celebrari posse pro arbitrio Sacerdotum, arbitrium autem non limitatur ad causam; huic tamen opinioni non acquiesco, si quis passim vellet sineulla causa Missas votivas recitare; Rubrica enim per illa

verba, id vero passim non fiat, restringit arbitrium, ita ut ipsae passim nequeant celebrari nisi adsit rationabilis causa. It must be noted that the conventual masses ought always to be in complete agreement with the Office of the day according to the Decrees of the Sacred Congregation on May 16, 1626, and numbers 108 and 204 thereof. Otherwise Canons do not profit from distributions; ex tract. 4. n. 3. 420. — It is asked I.

Whether it is a mortal sin to celebrate a votive Mass or a Requiem Mass on those days previously forbidden? They affirm, Angels. V. Mass No. 33 and Barthab sed commonly deny, secluded by scandal and contempt, Sect. 83, Chapter 3, § 3, n 2 and 3. Lugo on the 20th, number 105. Fill. de q. 2. Reply 2.

Sporer now. 429. with Laym, and . 114. with Miranda, etc., and Escob. l. 21. n. 512. with Soto, Sylvest. Henry Middle and Royal. Reason, because it does not seem that there is a notable perversion of ritual in this. But Escob. in Festive solemnities (even if he considers it probable against the opposite view for the authority of the Doctors) holds this to be mortal; and the same opinion Roncag. l.c. maintains. At least in a public Mass one would find it difficult to excuse this on account of a grave scandal. Moreover, he says in c. R. 3., that it cannot be excused to say Masses for the Dead on days forbidden, because this is distinctly prohibited in Decree S. C. 5 n. 396), approved by : «Distinctly it is commanded, that private Masses for the Dead not be celebrated frequently...» And let the rectors of churches take care, etc., so that such a decree may be inviolably observed.

However, all agree that votive Masses, or those for Requiem on account of grave causes, can be celebrated. What, however, they are, see in the subsequent inquiry; this very Decretum is dated S. C. 10 Novemb. 1622. ap. Cross n. 2055. 202 LIB. VI. TRACT. Second.

ON THE EUCHARIST. CHAP. III. Decr. 263. It declared the same Sacred Congregation on the twenty-fourth day. July 1683, according to Merati's profession of Religious or Moniales, it is not possible to count them under a grave so severe that the solemn votive Mass of the Holy Spirit can be sung; and it called an abuse the custom contrary thereto. III.

If exposition is made from the SS. Sacraments in Prayer of four hours. In illa autem observandum est id quod instituit (8. 10.) edita i (ap. Merati p. 686. n. 10.) Therein the Pontiff prescribes that in the altar where the exposition of the Eucharist takes place, a solemn votive Mass of the Saints should be celebrated. With the Sacrament and Glory, and Creed, as Masses are celebrated for a grave cause; excepting Sundays and Feasts of the first class, and also the fourth Wednesday of Ash Wednesday, and feasts 2, 3,

and 4 of the major week, on days within the Octave of Easter and Pentecost, and the Vigils of the Nativity of the Lord and Pentecost, and the day of the Octave of Epiphany: on these days He has ordained that a common Mass be sung with the Holy Prayers. Sacramenti sub una conclusione; quam com-memoratiorem voluit fieri etiam in Missis privatis: quae si cele-brantur de SS.

Sacraments on permitted days shall be votive without Gloria and Credo. IV. On the day he died, being present at the body (even if elsewhere it had not been used, contrary to what was said above), one can say Mass for Requiem, still on Dominic and double-feast days according to the Decree of the Sacred Congregation of 23 May 1603, ap. Wednesday excepting however Feasts, by Classis according to the Decree of July 5, 1698, ibid., n. 525. When however for the first time notice is taken of the death of some person who has already passed away, a Mass may be said on the day of the death, even on a double feast, but not according to precept; for then it must be deferred to the following day, according to 6. p. 2. n. 2055. Decr. 82.

These matters, however, are to be understood concerning Solemn Masses, not private ones, according to n. 505. Contrary to what Wigand says in tractate 5, n. 68. The Decree which is brought forth on September 1, 1607, Ga0. p. 1. tit. 5. n. 2. lit. a., where it was said: «that Requiem Masses may be tolerated in two Festivals, which are not of precept, so that the wills of the testators might be fulfilled», says Merati on page 159 that this has been derogated from by other Decrees, especially the Decree issued August 5, 1662, and furthermore another Decree of November 2, 1662, in which it was said in the double Festival, even the greater one, not of precept, Requiem Masses anniversaries may be left uncelebrated according to the disposition of testators, so that they might be said annually on their day of death. The same is said regarding the third, ninth, and thirtieth days: private masses are to be said on these days, and not deferred. Item eadem S. C. Rit. die 19 Junii 1700, in Quod si accidat anniversarium vel dies tertius, septimus et trigesimus in festo de praecepto debet transferri in sequentem diem ex Decr. 23 Maii 1603 Ind. num. 20. The anniversary then can also be anticipated; and then it is said that the Mass is to be celebrated according to the manner of an anniversary, Decr. 5 Julii 1698, no. 422. — Question III. An obligatus est dicere Missam votivam de B.

The Virgin Mary, or for a Requiem, by reason of alms-deed, or for a chaplaincy, to be celebrated on permitted days, may satisfy by celebrating the current Mass? They deny numbers 5 and 2, chapter 2, section 2, note 6, because the Priest is bound to fulfill the reasonable will of the one who grants the stipend. But they commonly affirm, and even probably so,

section 3, chapter 1, paragraph 10, question 5, section 2, number 4. Cross n. 371, n. 10. cum c. 4, n. 10, nu. 125, cum Sa, Garzia, et ideo Rubrica loquens de Missis votivis, eas permittit; sed in fine subdit: Quoad fieri potest, Missa Officio conveniat. They also say that this is valid . c. at the end, with the addition that even if the Priest had expressly promised Mass; and even if (they add Croix n. 371 and the same n. 127 with Panorm.) it must nevertheless be received completely, if a Mass is to be said on a privileged altar which must necessarily be celebrated on permitted days for Requiem, as we said n. 339 v. Question 1. 423. — It is asked IV.

What should be observed concerning the manner of celebrating votive masses? To be observed. That in votive Masses it is not necessary to say prayers unequal in number, as Merati says on page 135, number 42. However, three prayers must be said in private Mass, but only one is said in solemn Mass, Merati number 44. II. To be noted. That votive Masses or collections for the feasts of the Nativity of the Lord, Epiphany, Pascha, Assumption of Blessed Mary, and all similar feasts, including saints' days which have their own Introits and Collects, should not be said, as Paul V declared in n. 17.

In other votive masses however, in which the truth and the rite of the words are not violated, there is nothing to prevent them from being said; although it is better to say the votive mass contained in the Missal; as Merati says ibid., who on p. 122 with Advertendum III. That votive masses can be said for any saint provided that his or her canonization is confirmed by the martyrology or otherwise; see Merati p. 119 n. 15 ex Gao. Bellarm. etc. Not however concerning those who are not venerated with public and universal Church worship. Wherefore Masses for the Beatified granted to some Religious Order or place cannot be celebrated by other persons, churches, and days than those to which they are granted in the Diplomas, contrary to canon 21, no. 535, with Molf. Aversa, Gran. et 204 LIB. VI.

TREATISE III ON THE EUCHARIST. CHAP. III. Diana, and Merati p. 119. n. 16. with Quarti, Bisso, Guyeto, and common opinion, from the Decree of the S. C. published on December 10, 227. IV. Advertisandum: id quod praescritum est in Rubrica circa Missas votivas particulares; et i

In the votive Mass of the SS. When it is said for the action of Gratiarum concerning the Trinity, with the first prayer, another prayer alone is mentioned, Deus cuius misericordiae, etc., under one conclusion: nevertheless, this proceeds in the Solemn Mass for a serious matter or public cause of the Church, not in private ones, in which the second prayer will be of the day, and the third that concerning the action of Gratiarum:

thus Merati p. 125 n. 24. when it is said in the Mass of Angels always Gloria, whatever the day on which it is celebrated, the second prayer will be of the day, and the third that which otherwise would be the second in a current Mass. Si autem petatur Missa votiva Sancti Michaelis Ar- rangeli, poterit dici Missa ejus Dedicationis in die 29 Septem- bris, et sic etiam Missa de Angelis Custodibus in die 2 Octobris, ita Merati. 3. In Missa de Spiritu S. secunda Oratio erit de die, tertia A cunctis, vel Concede pro temporum varietate, Merati p. 127. n. 28. cum Quarti, et Tournel. And thus also are said the Masses of the Holy Innocents. Sacramento (Merati ibid. n. 29.) Missa de Passione, et de Apostolis. 4. in missa de B.

The second prayer for the Virgin Mary will be on the second day, the third on the Holy Spirit, and in ferials the second on the Holy Spirit and the third of the Church or pro the Pope. Here it must be noted that the solemn votive Mass of B. The Mass of Our Lady may be celebrated with Gloria and Creed for a public cause on account of the people's concourse, according to the decree. S. C. Augusti 8 Junii 1658, ap. Wed. p. 117. It is also noteworthy that if you say a votive Mass for B.

Virgins on the Feast day of some Saint within the Octave of B. If then it is a votive Mass of the Virgin on the Feast of some Saint within an Octave, it is not to be said the common votive Mass of B. V. sed de ejus Octava, sine tamen Gloria et Credo, ex Decreto apud Croix lib. 6. p. 2. n. 503. et apud Mer. If however a Mass is requested for the SS. Rosary, or from Mount Carmel, cannot be called a Missa concessa to Dominicans, or Carmelites, according to the Decretists in n. 30. 5. In the Mass for the dead the Psalm Judica is not said; when the celebrant begins the Introit he does not make the sign of the cross but holds a book; he does not say, "Jube Domine benedicere"; after the Gospel he does not kiss the book; he does not bless the water nor say Gloria Patri in the Psalm Laoabo; at Agnus Dei he does not say Miserere but Dona eis requiem; there is no prayer for peace, nor Ite missa est, nor Benedicamus Domino, but Requiescant in pace, and no blessing is given. 424. — Here at the last place of this work it is fitting to note some Decrees of the Sacred Congregation concerning matters of greater moment pertaining to the celebration of Mass, extracted from many sources which Croix presents in his first volume, page two, number 2055.

The conventual Mass should be celebrated daily in collegiate churches whose clergy are numerous and whose revenues are not meager. 14 Jan. 1603. 2. Canonici are altogether bound to chant the Mass daily, that they may earn the distributions. ON THE EULOGY. INASMUCH AS IT IS A SACRIFICE. DUB. Fifth 205 third.

Priest who celebrates a conventual Mass in which the choir is required to chant the Symbol, cannot proceed with that at the time when the said Symbol is chanted by the choir. 17 Dec. 1695. 4. Masses, to satisfy eleemosynies to some Church's traditions, are not to be celebrated by externs where it can sufficiently be provided for them by the Priests of the same Church. 28. January 1606. 5. The inferior Bishop ought not to take from the altar vestments for Mass. July 7, 1712. "This however is to be understood as Gaunt advertises, ne ponantur paramenta in medio altaris more Episco-porum; nam si ponantur in angulo, id permittit ipsa Rubrica p. 2 tit. 12 n. 6 ubi dicit: Si verò (Sacerdos) dimissurus sit paramenta apud altare ubi celebravit, finito Evangelio ibidem illis se exuit." Saltem Croix ait n. 2072: "hoc permittendum, ubi non est commoditas ea alibi deponendi." » 6.

A portable wooden altar with a stone altar-piece ought to be permitted, notwithstanding the synodal constitution, provided it has a usual repository for relics. 19 January 1614. 7. Solum episcopus potest habere fenestras in ecclesia, per quas in eam prospectus haberi possit. 19 Januarii 1614. 8. It is not permitted in churches in which the SS is not preserved. Sacramentum, celebratio Missae in Coena Domini; nec ejus asservatio in Sepulchro. 24. June 1659. 9. It is not permitted to celebrate Mass at the greater altar while they are being said in the Choir Matins and Hours on the 15th of September. 1664. 10.

It is permissible to make a commemoration of the SS. Sacramentum, si expositum sit, etiam in Missa de festo duplici non velitur esse Classi 1 vel 2 Decemb. 1684. 11. If on the day of the commemoration of all the faithful departed a Sunday occurs, the Office with Mass for the deceased shall be transferred to the following day, even if that feast is doubly impeded. October 5, 1688. 12. The priest uses a linen girdle more appropriately in the Sacrifice of the Mass than a silk one. 22 Jan. 1761. 13. Holding an indult from the Apostolic See to erect a private chapel in one's own home, if anyone wishes to build a wooden altar there, he does not need Apostolic faculty, provided that the movable wooden screen be joined with sacred stone and adjoin the wall of the altar, and that no image before the doors of the altar be carried forth; it seems clearly gathered thereby, so that the altar adhere to the wall, and no space intervene between it and the wall; thus indeed is fulfilled what is said that the altar does not carry forth an image before the doors of the altar, this at least being interpreted according to usage. The late arrangement seems to be understood as such, namely that the altar is attached to the wall in such a way that it adheres to the wall, and no space intervenes between it and the wall; thus indeed the altar does not bear an image before itself, which has been interpreted according to this usage.

Non potest prohiberi celebratio Missae in Oratorio ruri ædificato per laicum antequam celebretur Missa Parochialis. 31 Martii 1629. (ap. Merati) 15. The Sacred Congregation has often deemed that the Synodal Constitutions prescribing that on feast days Masses should not be celebrated in other Churches, unless the Mass has first been celebrated in the Parish Church, ought to be observed; thus 206 LIB. VI. TREATISE. III.

ON THE EUCHARIST. CAP. III. however, that the Mass in the parish church be celebrated at an opportune hour. 25 May 1652. (apud Bened. XIV, Notif. 4. n. 12.) 16. It is not permissible by right to prohibit (namely, by the parish priest) that Masses not be celebrated before the Mass which the parish priest himself has not celebrated. 27th of June 1641. (apud ibidem.) Here at this final place, it is fitting to casually add something regarding the use of the exposition of the Eucharist, which the most learned Christian Lupus, p. 1, f. 11, from chapter q., has already shown in the Church as having been approved; he greatly promotes this himself, saying that through the frequent exposition of this kind of Sacrament, the people are drawn away from vain entertainments, the communion of Churches is increased, and the faithful are more excited to devotion. Verum tamen S. Carolus Borromaeus in sua Synodo XI Diocesana haec praescripti: « Ne quavis causa Eucharistia palam proponatur, sed publica tantum, atque gravi; aliis vero de causis Ora- tio semel licebit instituere, sed non Sacramento aperte expositio. »

Item Benedictus XIV (in sua Notif. 30. n. 11.) refert S. C. Concilii die 17 Aug. 1630 in una Neapolitana sic praescripsisse: « S. C. censuit non licere Regularibus, etiam in eorum propriis Ecclesiis, SS. » The Sacrament of the Eucharist to be publicly exposed for adoration only on account of a public cause, which shall have been approved by the Ordinary; but on account of private causes it may be done, provided that the SS permit it. The Sacrament is not drawn forth from the tabernacle, even though it be veiled, so that the sacred Host itself cannot be seen. » This was confirmed by our Father Benedict. XIV, according to another Decree given on April 16th, 1746. (See in his own words), where it is said: "It is not permissible to expose publicly the divine Eucharist, unless for a public cause, and the faculties of the Bishops intervene." » From all these Decrees it seems certain that it is not permissible to expose the Sacrament of the Altar publicly.

Sacramentum ob litis victoriam, ob valetudinem alijus (nisi sit persona publica, cujus salus communitatis bono sit expediens), et sic pro aliis privatis causis. Whether, however, it is permissible on account of the special devotion of some particular individual? P. Concina doubts. I will

say what I feel. I say that if anyone privately seeks to procure this exposition for the purpose of promoting a publicly devout devotion, then this seems rather a public than a private cause. I say 2nd: when Concinus in this regards, whether in those places where exposition takes place, devotion and cult to the Sacrament are more increased or diminished, and according to this rule I judge that exposition should be made or omitted; for where devotion and cult flourish, there is always obtained due Ordinarii permission, I do not know why it should not rather be praised than condemned such frequent exposition of these Holy Things.

Expositione Sacramenti modo non exciperet nimis frequens; nam et nimia frequentia esset causa ut reverentia erga tantum Sacramentum minueretur. Here moreover it is to be noted that with regard to secular churches there exists the Decret. The Sacred Congregation for Bishops and Regulars prohibits removing the pyx from the tabernacle when it is exposed for private reasons, using these words: "If at any time the Most Holy Eucharist seems to be exposed out of private causes, it shall never be removed from the tabernacle, but the pyx veiled shall remain open in the door of the same tabernacle, with the assistance of some Priest vested in chasuble and stole, and with at least six candles placed there." That same is commanded to be observed in secular churches on the day of December 1602 according to number 30, note 27. Benedictus autem XIV, in sua Bulle, Cum ut recte nosti (in Bullar. tom. IV. num. 88. §. XIII., faciens mentionem de prefati Decretis, dicit quod pro causa privata nunquam potest pyxis extraheri ex tabernaculo nec etiam ad populum benedicendum: « Si autem... (sunt ejus verba) non debet a tabernaculo educi, facile intelligitur in designatis casibus non esse illud afferendum ad Ecclesiae jamam, nec cum eodem Benedictionem impertiendam. »

Here, however, obiter it should be adverted to what the same Pontiff submitteth in the aforesaid Bulla (there §. XIII.): "For it is not fitting that anyone should assume private authority to introduce a new rite." He brings forth moreover this Canon 13 for this purpose. Tridentinus sessio 7, ubi vetitum fuit immutari consuetos ritus circa administrationem Sacramentorum, et declarat eundem Canonem procedere etiam quoad cultum SS. Eucharistiae. Speaking however about rites already introduced somewhere, he says thus: "And whenever it happens that such a rite is introduced, although it contains nothing opposed to piety, the Apostolic See has not hesitated to prohibit the same on account of certain extrinsic circumstances which were either entirely overlooked or neglected by him who introduced the rite." It is also noteworthy that according to the Decree of Innocent XII 1), statues, relics of saints, and images of souls of the purgatory are prohibited from being placed on the altar where the exposition takes place.

As regards that: "Panem de caelo," etc., Alleluia is not to be added, according to the Decree of the Sacred Congregation as found in Merati's tome 1, in the Index of Decrees, number 523. At this last place it is fitting to seek and see what may be preserved in churches as the Sacrament of the Eucharist? It teaches in the Constitution i. Urban IV, n. 15 et 29, cum Barbosa Riccio, Genuensi, etc., ac pluribus decisionibus S. C., certum esse tantum in ecclesiis parochialibus retineri posse sacramentum eucharisticium, quia in hoc tantum sedes apostolica dispensare potest, non autem ordinarii: asservaturiam in cathedrallis, quia ipsae dicuntur parochia; verum ibi non est asservandum in altari majori, sed in alia capella, propter functiones pontificales necessario peragendas aepiscopo retrorsum ad altare majus. Even is permitted to retain the Sacrament in churches of the Regulars, on account of the necessity of administering Communion there to the infirm, as they say in tract 3, question 6, numbers 1 and 6. Peter, cap. 18, cum Glossa in capite Permittimus. de sententia excommunicationis verbum "Excommunicatis."

The same is permitted in monasteries of nuns living in enclosure, as decreed by the Sacred Congregation of the Council in Lisbon in the year 1585, which Sacred Congregation also granted permission to the Fathers of the Oratory on May 15, 1700, to keep the Eucharist within the cloisters for four years during which the Ordinands perform their exercises. But it is not permitted in i o 8 LIB. VI. TREATISE. III. Unleavened Bread

CHAP. III. Collegia solius Ordinarii auctore constituta, ut Conser- vatoria sunt, quae non approbantur, sed tantum à Sede Apostolica tolerantur, et in quibus jura Parochialia præservantur Parocho, ut decrevit Sancta C. Concilii in Salernitana 19 Augusti 1702, et in Neapolitana 4 Julii 1707, ubi specialiter declaratum fuit non licere Conservatoriis assertionem Eucharistiae absque Apostolica auctoritate; vide Petram n. 21. The same [decree] was issued by the Sacred Congregation regarding the Regulars; see ibid., n. 23. With regard to collegiate churches, unless the preservation of the Eucharist be for the service of their parishes, n. 24. The same regarding confraternities and hospitals, n. 30. The same with regard to Rural Churches, or others within the boundaries of a Parish, n. 30 and 31, unless there be some daughter Church of the Parish there, and the custom of preserving the Blessed Sacrament be present there.

Sacramentum ac necessitas ad consuendum saluti animarum, ut ait et probat Petra n. 28. Finally declared (see in Bullarium...) that the right to retain the Eucharist exclusively pertains to the Pontiff, "as Canonical discipline teaches," according to which the Eucharist cannot be retained in parochial churches without an Apostolic indult, or a consuetudinary

custom of more than one hundred years (not forty years, as Petra n. 35 proves), which kind of indult gives rise to presumption. Petra n. 32. admonet autem quod licet aliqua Ecclesia habeat immemorabilis consuetudo in asservanda Sacramenta, tamen ipsa non suffragatur si constet ab initio fuisse asservatum ex sola licentia Ordinarii: nam illa possessio minimae valet, cum proveniat ex titulo infecto; et ita decrevit Sancta C. Concilii Neapolitanae die 28 Julii 1708. Furthermore, it is to be known that such permission from the Apostolic See is never granted for private Oratories and rural chapels unless there is a congregation of people and some distance from the parish; thus Petra n. 37 and 38. Whoever thereafter warns that the right of retaining the keys of the tabernacle privately regards the Parish; this must not be permitted to Monastics nor to laity, even on the fifth weekday of the Lord's Fast, unless there be some memorial custom in a certain place, which Pigna- tellus deems tolerable and attests to have been thus observed in Spain, and in the Kingdom of Sicily, and also in Naples; see Petra ibid. n. 39 ad 44. Furthermore, it is to be noted from the Decree of the Sacred Congregation of Rites dated September 15, 1737, at Merat, that in administering Communion to Monastics, benediction with the Pyxide is not to be given through the window, but only with the right hand, even if the Sacrament is present there.

Item quod Sacerdos, descendendo ab altari cum Pyxide, non per laterales gradus, sed anteriores descendere debet. Furthermore concerning the turning, the reigning Pontiff Clemens XIII commanded that on all Sundays during Mass the preface for the Holy Sacrifices be recited. Trinity, now the proper Preface of that day does not appear. TREATISE FOURTH. ON THE SACRAMENT OF PENANCE. HEAD I.

ON THE NATURE OF THIS SACRAMENT. DOUBT I. What is its matter and form. 428. Concerning the matter and form of this Sacrament. See what concerning these is held by Buss. — 426. Warning to Confessors. — 427.

Of remote matter. Dub. 1. Whether mortal sins committed in the reception of Baptism be the matter of this Sacrament? Dub. 2. Whether sins confessed to others be sufficient matter for this Sacrament? — 428. Concerning the form.

What. I. Whether the form of this sacrament consists in the words and can be dispensed in absentia? — 429. And is it required that the moral presence of the penitent be sought? — 430. What. II.

What form should be used in this Sacrament to be presented? Question 1. In which words consists the essence of the form? And whether it is

necessary for you to speak the word? Dub. 2. Whether the words arise from your sins? Dub. 3.

By the words in the name of the Father, etc.? And by the prayers added? Dub. 4. Can the priest absolve you through words at the same time from sins and excommunications? — 431. Qu. III. Can absolution be validly and lawfully given under a condition? — 432.

Causes justly to be absolved under a condition: sub conditione. 428. — "Resp. i. remote matter and necessary is every mortal sin committed after baptism and not confessed. However, it is said that one commits such sins after baptism against Proposition 19; among the acts of penance from Materia proxima are contrition, confession, and satisfaction, of which the last is only integral, as is evident in the infirm who, if deprived by reason, is usually absolved without satisfaction: the two former are essential, as commonly taught against Scotus, who places the entire essence in absolution." But sins are matter only, concerning which, however, the act of penance is matter from which... 5. 1. 6. c. 3. ex communi. Hence resolve: « 1. Even though a mortal sin remitted in any manner is to be confessed if one has not done so, Trident. sss. 14. c. 5. "Even though a mortally forgiven sin in any manner is to be held confessed, if you have not done so, Trident. sss. 14. c. 5." Venial sins can be omitted, either all of them, or some; likewise mortal sins confessed once rightly, for example in a general confession, so that they may be treated according to t. 4. res. 56. Card. de Lugo d. 16. n. 56. contra Viet.

Ledem et alios. In which also it is not necessary to add a mortal sin, which has been committed after the last confession, teach Bonac. d. 5. q. 5. sect. 2. p. 2. 4. res. 62. et t. 3. res. 65. Card. de Lugo d. 16. sect. 2. n. 47. » from what is probable: unless some circumstance otherwise - namely, a changing appearance, or reservation of a case, or proximate occasion of sin: another requirement be demanded, and sufficient power be imposed. Cardinal de Lugo. confirmed book 2. chapter 1. It is safer, however, to separate the new from the old.

Always to be posited is certain matter; which kind it is he denies: Sancus in sel. d. 7. apud t. 4. res. 52, that whoever does not respond to divine inspirations has not done good which he was able to do, and similar imperfections. In quibus tamen expositione non tenetur Confessarius impedire penitentem, ut doceat Card. de Lugo l. c. n. 103, contra Sumcium. If, however, it cannot be held certain, absolution is to be given on the grounds of doubt; so that under doubt, if the matter be entirely doubtful: or absolute, if it seem certain. Thus. L. 5. T. 6. C. 3. and others common. Whereupon resolved: "1." It is invalid to absolve by nodding,

sign, or writing; likewise to absolve someone who is absent: this was taught by Alensis, Medip., and others, but now it causes trouble as stated earlier. 2. The absolution is valid if you say it for the cause of reverence: "I absolve your dominion, excellence, majesty, etc." Because it does not change essentially, and the words are equivalent in meaning.

Acesu. » c. 1. d. 2. It is invalid, however, if you say: "May God release you, or may Christ absolve you." Sect. 2. 3. Prayers preceding and subsequent in form, as Misericordia fuit, etc., and Passion of the Lord, etc., according to Trent. » They are added lapdabiliter, are not of necessity, and can be omitted for a reasonable cause, e.g., if the Confessions are brief; or if there are many containments, as seen in t. 4. »

R. 97, tunc enim sufficit dicere: "Absolvo te a peccatis tuis, in nomine, etc." vel si timeatur censura. "Absolvo te a vinculo excommunicationis; deinde a peccatis tuis, etc." Vid. Therefore, accordingly. Absolution. "4." Elevation of the mind, and its imposition upon the head, likewise the form-ing of the Cross is free, although the custom should be observed. Thus where he speaks of the opening of the head.

However, the form of Clem. VIII, ut tradit Sa, et Rituale Romanum, est haec, qua « ut omnes utantur, suadet Paulus V ideoque omnibus tenenda « memoriter: Misereatur tui omnipotens Deus, et dimissis pec- « catis tuis, perducat te ad vitam aeternam, Amen: deinde elevata « manu pergit: Indulgentiam, absolutionem, et remissionem « peccatorum tuorum tribuat tibi omnipotens et Misericors Do- « minus, Amen. Dominus noster Jesus Christus te absolvat, et ego auctoritate ipsius te absolvo ab omni vinculo excommunicationis, suspensionis (quae vox circa laicos omittitur), et interdicti, in quantam possum, et tu indiges: Deinde ego te absolvo a peccatis tuis, in nomine Patris, et Filii, et Spiritus sancti, Amen. Passion of our Lord Jesus Christ, merits B. Of the Virgin, and of all the Saints, whatever good thou hast done and evil hast endured, be it unto thee for remission of sins, increase of grace, and reward of eternal life, Amen. » 424. — Acturi de hoc Paenitentiae Sacramente, quod Christus Dominus ad humanae imbecillitatis remedium instituit, ante omnia monitum velius Confessarium, ut suas agnoscat partes, nempe Judicis, Patris, et Medici, ad munus suum aequa lance exercendum; congruent enim nimia benignitas iniquitatum fomentum est, sic nimia severitas fit pluribus via ad desperationem.

Hereupon Christ the Lord declared that He is not His Spirit towards those who are excessively severe with sinners. And SS. The Fathers do not merely carry them into those who, misled by false piety, improperly forgive sinners, but also into those who employ undue rigor with

penitents, as St. Ambrose complains in Psalm 118. Sermon censures: "There are also within us those who have the fear of the Lord, but not according to knowledge, establishing harsher precepts which human nature cannot sustain." » Concerning which matter S. Bonaventura prudently observed: "Cautious must we be from an overly broad and overly strict conscience; for the former generates presumption, the latter despair; the former often saves one who is destined to be damned, the latter condemns one who is destined to be saved." » Imo Honorius III in c. Ex parte de Transactum dixit: caeteris paribus magis inclinandum in rebus dubiis ad benignitatem quam ad rigorem; cum enim ibi ageretur de modo procedendi contra quosdam, quorum aliqui celebrabant in ecclesiis interdictis, alii furtivè Sacris initiabantur, etc. sic inquit: « In his vero super quibus jus non invenitur expressum procedens (aequitate servata) semper in humaniorem partem declarando secundum quod personas et causas loca et tempora videris postulare. »

I do not doubt that greater injury has always been done to the Church by confessors who are too indulgent, since a larger part of men incline towards vices; but even greatly they obstruct the salvation of souls, who through excessive austerity so deter penitents, that either they themselves reprove their own sins, or so cast off the yoke of discipline, relaxed in reins, miserably thereafter immerse themselves in the banquets of vice. Let us undertake the work of explaining this treatise on the Sacrament of Penance, to which indeed we should apply all our diligence above other matters with constant solicitude, since in the very highest part of Moral Theology and those questions more closely pertaining to practice are contained; and therefore I have not spared labor, that I might sufficiently satisfy the desire of readers, and that they might here find everything necessary. 427. — In this doubt first place is made of the remote matter and form of this Sacrament. Regarding the matter itself, in addition to what Busembach has said above, two only things remain doubtful. It is doubted i. Whether mortal sins committed in very reception of Baptism are the matter of this Sacrament? They commonly affirm, Suar., Dub. 28. concl. 4.

Escob. 1. 14. n. 18. with Vasq. and Henr. n. 15. and Eibel n. 8. with S. Bonav. Scottus, Th. 3. p. q. 69. ar. 10. et ex S. Augustino relato in cap. tunc valere 4. a. de ubi ait: « Tunc » valere incipit ad salutem Baptismus, cum illa fictio veraci confessione recessit. Reason, because these sins, although they occur at the same time as Baptism, in nature are nevertheless themselves subsequent. Thus AA. those aforementioned seem to present a reason that does not appear convincing, but rather seems merely to prove for sins which one wishes to prepare after receiving Baptism, but not for the sin of fiction, namely, if he were to receive

Baptism while existing in mortal sin without sorrow. Neither does it say that the sin of fiction is the matter of the Sacrament of Penance, but only that that contrition is removed: yet by contrition there the Holy Doctor certainly understands not confession, but sorrow for the sin. Neither does it hinder the text of St. Augustine, for as the Glossa ad Salutem explains, by true confession he understands the contrition of the heart.

Doubt is cast. Whether the confessed other sins are sufficient matter for this Sacrament of Penance? A doubt could arise from the fact that it seems impossible for a sin which has already been remitted to be material for the Sacrament of Penance, since guilt, once removed, cannot be removed again. But the affirmative judgment is certain among all, as it is taught in dist. 17, q. 3, art. 3; qu. 5, ad 4; dist. 18, q. 1, art. 3, q. 2, ad 4; and what is commonly followed, p. d. 18, sect. 4. Palau tr. 23. d. un. p. 6. n. 5. cum. 22. cum Con. Fill. and others frequently.

And it is clearly evident from Estraro 1 de Prioil. (pag. mihi 238.) §. Verum, in fin. ubi Bened. XI. dicit: « Licet de necessitate non sit iterum eadem contineri peccata, tamen ut eorumdem peccatorum iteretur Confessio, reputamus saluber. » "This is confirmed by common practice of the faithful." Neither does it hinder to say that a sin deleted is no longer a sin; for although a sin, even if remitted, is always a committed sin; yet it suffices that the Sacrament have an effect in the first act, namely, that it provide a deletive grace of sin, though by chance it not delete sin in the second act. 428. — As regards however the form of this Sacrament, several questions need to be discussed here. It is questioned I. Whether the form of this Sacrament essentially consists in the words?

Reply. Affirmatively, since form cannot be expressed otherwise than by voice, nor by writing or other signs: thus it is common and certain among all, according to D. Thom., III part., q. 84, art. 3, ad 3, which follows c. 3. Lugo of the 1st section, 6th article. Bonac. qu. 5. p. 6. . 27. et n. 30. cum Vat. et alii passim. Hereupon Clement VIII, in the Constitution issued on June 20, 1602, prohibited. This proposition, as false and rash: "To confess sacramentally absent by letters or through messengers to the Confessional is licit; and to obtain absolution from someone absent"; a precept reserved under excommunication and incurred thereby, lest this proposition ever be defended as some probable case or brought into practice in any manner whatever.

From which words rightly infer they, n. 25, that absolution for an absent person in any case is not only illicitly given, but also invalidly; for if the Pontiff had merely intended to declare it illicit, at some time, through urgent necessity, it could validly and licitly be given, since ecclesiastical

laws cannot bind with grave damage, and much more so when it is spiritual. Wherefore, if the Pontiff desired that such absolution be licit in no case, he consequently declared that it is valid in no case. Paulus autem V, die 14 Julii 1605, insuper damnavit interpretationem aliquorum in praefatum Decretum, dicentium posse absolutionem absenti conferri modo Confessio in praesentia præcessisset: explicavit enim Bullam Clementis esse disjunctive, non copulativè, intelligendam. 429. — Requiritur igitur ut forma à confessoario voce proferatur et ut ponens ibi tunc moraliter sit praesens. This moral presence is considered that one within which men commonly speak with a voice although more elevated, and they usually do so, as Sporer says, n. 610. Tambur. lib. 5. de n. 11. Holm. num. 573. v.

I said, Ebel num. 29, who with Sporer and others adds that such presence can be extended to about 20 paces, especially where he placing himself has not yet emerged from the aspect of Confessio. However rightly Sporer notes n. 615, who with Regnald and Bonacursius absolves without scruple a penitent who has withdrawn from the confessional, if certain it is known that he was still within a few paces of it. However, rightly I. tam., does not approve Leander, who says that it is sufficient for moral presence if the priest sees the penitent or perceives presence in some other sense; for greater nearness is required for absolution than for hearing a sermon or Mass. Whereupon T. amb. opines: 13.1 that is to say, if someone at some time could not be absolved except from afar, then it should be supposed that if he were to fall from a roof, an absolution under condition would have to be given. Holm. ibid. dicit quod si Confessarius ob periculum infectionis vel ob aliam causam non posset intrare in cubiculum ubi est infrimus, potest à janua eum absolvere. However, rightly they observe Spo-214 LIB.

VI. TRACT. Fourth. OF PENANCE. CHAP. I. -er n. 610. Cross n. 1201, Abel l.c., with Stos., do not consider it an obligation, as he who utters the more absolute words will hear them with greater freedom, and hence less will they understand; for it suffices that the Priest truly pronounces those words.

Nay rather, Croix speaks wisely when he says that it is fitting for those consuls to say the aforementioned words submissively in the presence of others, so that if anyone is dismissed without absolution, others may not perceive this. Tambur adds that he can be absolved well who previously has given in writing his confessed sins and then declares them to the present Confessor, concerning these I accuse him. That, however, they advert to, n. 11 with Cano, and others, should not be permitted except for a grave reason, namely, if someone suffers difficulty on account of an impediment in the throat, or because of an obstacle in the tongue, or if a

girl, being excessively modest, feels very great difficulty in explaining her sins vocally. They adduce a reason both from Spore and n. 488, because although Confession is not bound by any law to be made vocally, nevertheless, since the manner of confessing in this common usage of the Church has received the force of a precept, confession now made otherwise than thus would be illicit without grave cause. 430. — Inquiry II. What form is to be used in this Sacrament? Many serious Authorities hold that formerly the Church used the form of prayer (May God absolve you) until the middle of the thirteenth century, and that even today this is in use among the Greeks; so much for Article 1.

Martene, Vitass. in Croix de paenit. tit. q. p. 528. But this is maintained by Baronius, Gonet, and many others with n. 17., and Croix in lib. 6. p. 2. n. 639., who consider the form of prayer to be invalid, because Christ, the Lord, when instituting this Sacrament (John 20.), expressed that the sentence should be pronounced by the Priest as Judge, saying: 'Whose sins you remit, they are remitted to them.' Hence it seems necessary to conclude that sins should be remitted by the Priests as Christ's vicars, and not suffice that they pray to God for forgiveness. But whatever this may be, certain is it today, and concerning faith, to be a declarative form: as the Tridentine session 14, chapter 3, declared thusly: "The Sacred Synod teaches that the form of the Sacrament of Penance, in which especially its will was primarily placed, is contained in those ministerial words, 'I absolve you,' etc., to which certain laudable prayers are suitably added according to the custom of the Holy Church." Upon this: in this form many things occur as doubtful. Doubt is entertained i. In what words does this form consist?

It is certain among all, that the words "Te absolvo" pertain to the essence of the form. But they feel in Lugo on penitence, d. 13, n. 26. Wig. tr. 13. q. 3. res. 2. quod si dicatur: "Absolvo a peccatis tuis," non est necessarium ad valorem formæ verbum "Te," cum hoc satisfactur exprimendum in verbo "Tuis." However, very commonly, it is opposed by 19. sect. i. n. 17. 5. i. nn. 1. Concina to. q. p. 580. n. p. et Pat. tr. 23. d. nn. p. 5. n. 2. cum Vasq. The first opinion, when spoken speculatively and considered in reason, seems more probable; but because this second one is cited as equally probable, at least for the sake of authority of the Doctors, in practice this omission should be followed according to Proposition 2 condemned by Innocent.

XI. Doubt is cast. By saying, "I absolve you," are the words required and the sins committed by you? They commonly deny the proposition attributed to Father Milante. I, n. 5. 3. 3. Scourer in the same title on page 244, number 544, number 2, and Lugo on day 13, number 19, with S.

Augustine.

Syllable. Caj. Th. 3. p. 4. 84. ar. 3: et n. 14. ubi dicitur: est autem forma, Ego te absolvo, et aliud nihil ibi additur. However, all those AA. say that although it is not necessary for the essence of the form that your sins be forgiven by A; yet omitting these words haec verba would nevertheless be contrary to the ecclesiastical custom. Others however hold that it pertains to the essence itself, inasmuch as when Christ said: Quorum remissionis peccata, etc., this is congruous because He said quorum, which must be explained as referring to you; and since He said peccata, this must be explained with regard to sins; thus Croiset n. 633. cum 3. p. 561. cum Gabr. Aorsa, P. Soto, et c. 3. n. 1.

Let them not object that from the circumstances sufficiently the words, "I thee absolve," are determined to signify also the remission of sins; for if this were valid, it could still be omitted the word "thee," which is also sufficiently understood from the circumstances. The first opinion is more probable, but in practice one should not deviate from the second; it is also probable, as Elbed de penitentia rightly points out, n. 25. c. Dubitatur 3. Whether the words, In nomine Patris, etc., be of essence? They affirm from day 13, number 11. But the common and true opinion denies this, since in the institution of this Sacrament Christ made no mention of this invocation of the Saints. In accordance with the Trinity, he has so arranged in the Sacrament of Baptism: thus Lugo n. 12. (who says opposite from all royal) q. 3. nu. 59. n. 2. cum etc. Crois n. 629. cum Arriaga, and Bosco; and num. 3. cum Soto, that it is mortal: but others, like Sotus, consider there to be no sin at all, secluded scandal and contempt; but this opinion does not seem sufficiently probable; for such an invocation is according to the custom of the Bible n. 25. (who says it is sufficiently common) n. 3. c. who absolutely asserts that it is common.

The words of our Lord Jesus Christ, etc., thinks n. 10, not to be able to be omitted without guilt: but the words Miseratur, Indulgentiam, et Passio Domini nostri, etc., says can be omitted; and to this seems to favor the Roman Ritual (tit. de forma absol.) saying: In more frequent Confessions, however, it may be omitted Misereatur, etc., and it will suffice to say, Our Lord Jesus Christ, etc., up to that, Passio, etc. Urgants vero aliqua 216 LIB. VI. TRACT. Fourth. OF PENANCE. AND

The serious necessity in the danger of death a brother may say: I absolve you from all censures; and from sins, in the name of the Father, etc. But commonly the Doctors say that all these prayers can be omitted without any sin; thus Lugo d. 11. num. g. cum i. n. 3. Mazzotta tom. 3. p. 163. item Sa, Bosco, Dicasi. This seems more true, because the Council of Trent in

session 14 says that these prayers are only laudably added, for certainly no laudable word imports any precept. No one indeed doubts that it is more fitting to add such prayers in longer Confessions: especially those which follow, namely, Passionis Domini, etc., since it is probable, as stated by D. Thomas, S. Antipater, and others, as we shall say below concerning Satisfaction, that through those words all works of satisfaction are raised up to the Saorean satisfaction; at least Holcm. consults that these words be said, because he who makes reparation withdraws. It is doubted 4. By means of these words, can the Priest through my absolution greatly absolve the penitent both from sins and from censures?

Commonly, in the treatise on athramant, chapter 10, question 3, article 2, note 3, verse. Institution. Rituale. Reason, because nothing prohibits that those words be directed by the intention of the Priest towards absolution both from censures and from sins. However, rightly do Roncaglia and others with Gran. and Leand., as well as Sotus, Coninclius, and Aolia advertize that this is not to be excused from venial fault, since it is contrary to the usage of the Church. Truly probingly and . cc. with Concina p. 618. n. 9., it is deemed that a mortal sin is committed by the Priest who, contrary to the prohibition of the Church, would wish first to absolve from sins and then from censures?

Although it is a sufficiently common opinion that one who validly absolves (provided he himself is in good faith) from sins can be absolved from censures without having first been absolved from censures, as Suarez teaches in volume 4, on Relics, question 31, section 3, note 6. Sanches Dec. 1. 2. c. 8. n. 5. Lugo, d. 14., n. 102. et n. 11. Reason, because the prohibition of the Church cannot invalidate the Sacrament whose value depends on divine law, since all the essential requisites for it concur. 431. — Question III. Can an absolution be given validly and lawfully under a condition? All agree as we said regarding valid absolution given under a condition concerning the past or the present.

On the contrary, commonly it is said that an absolution given under a condition concerning the future is invalid; and even if this were to be said, I absolve you, if God knows what will be restored, or something similar, as we held in no. 26. The difficulty is whether it is licit to absolve under a condition concerning the present or the past; Resp. affirmatively with common Doctors against some, according to the opinion expressed in n. 28, provided that there be just cause; namely, if notable detriment would imminent to the soul of the penitent were the absolution denied. The just causes, according to the Doctors cited below, seem these. I. If the Priest prudently doubts whether he will absolve or not, thus Lugo, d. 13, n. 107. Cross L. 6. p. 2. n. 1770. Roman de quibus est treatise six.

R. 3. n. 1. cum . Molf. Reg. et. t. c. 3 n. 22. cum Vasq. If the confessor doubts whether he has jurisdiction over the penitent, thus Sporer d. n. 622. But this I would not admit, unless the penitent were long deprived of absolution: and in this case I hold that the confessor is bound to make known the penitent. He who has confessed him: let mortal sins be what he himself has only absolved conditionally; so that if later on it should happen that the penitent knows that the confessor really lacked jurisdiction, the penitent again confesses those sins as he ought. III.

If necessity should urge one to receive the Eucharist, as Mazzotta and others say, but here it is incidentally to be adverted that although someone could possibly be absolved conditionally in such a necessity because such necessity provides sufficient cause for the Confessor to absolve conditionally; yet the penitent would not be able to approach Communion unless he were certainly disposed thereto (or at least probably, according to others cited below n. 474, dub. 2.), so as to observe the Apostle's precept that all should approach having been proved; hence in a mere negative doubt of his disposition no one can receive Communion. IV. If there is doubt whether the penitent is rightly disposed through true sorrow and purpose, as Sporer l.c., Mazzotta to. 3, p. 168, et n. 9, with Vasquez, etc., say. But I cannot generally acquiesce in this doctrine: for I say that a recidivist in mortal sins cannot be absolved under condition unless he is proved to be disposed by extraordinary signs, as we shall say below from n. 459, except he be in the danger of death; or else (as Schilder excludes). Croix l. 3. p. 1. n. 110.) prudently feared, that that sinner will no longer return to Confession, and in his sins will waste away. I say 2. that the same must be said about the recidivist in venial sins, who has a sufficient use of reason, because, since this confessor can ascertain the penitent's disposition for brief time by deferring absolution and experimenting with amendment, it does not seem that there is sufficient cause to absolve him under condition. I say 3. that it can probablistically be absolved a boy or a semi-idiot under condition when there is doubt about their disposition; and indeed, if there presses the danger of death, or the Paschal precept, commonly do the Doctors conclude cum . v.

Lugdunensis, caput 17, nota 22, et aliis tales esse absolvendos sub conditione, si dubie sint dispositi; maxime si confessi sint aliquod dubium mortale, quo casu ait Lugdunensis non videri de hoc dubitandum. I think that this must absolutely be said (contrary to Lessius) even outside the time of death or of the precept, as more truly say p. 568 and n. 7, who says that a person can be absolved under condition, at least with the intention retained; for in such a case not only is there according to the reason of utility that the penitent does not lose sacramental grace, but also

necessity, lest he remain in mortal sin; to this extent others, being endowed with the use of reason, should not be absolved, since it concerns their own salvation. VI. TRACT. Fourth. OF THE PORTENT.

CHAPTER I There is doubt about the disposition, because there exists a way and hope that dilated absolution may soon return to that person with certain dispositio and absolve; but as regards these semifatuos and children not yet perfectly ratiocinative, this way and hope are lacking, so that they may soon bring about this certain dispositio. Nisi improbable dixerit Sporè et Max. II. c. et ap. Croix n. 1797, dicunt posse sub conditione hujusmodi pueros absolvi, etiamsi afferant pec- cata tantum levia, ne diu priventur gratia sacramentale, et ne maneant in mortali, si forte habeant, ut loquitur Lugo I. c. Dico 4. probabiliter posse sub conditione absolvi (ut censent n. 1.) ponientem pium, qui aliquas tantam imper- fectiones confitetur, de quibus dubitatur, an pertingant ad ve- nialia; hoc tamen non admitterem saepe, neque si ille posset materiam certam de vita anetacta praebere. Furthermore, since those who do not provide a certain matter are not bound to inquire about it from the penitent in order to absolve; and in the case where he inquires and does not find a certain matter, he says: ## DUBIUM II. ## WHAT CONTRITION IS REQUIRED. 435. See what are found among Busemb. de Dolore, and Proposed [questions] concerning matters related to sorrow. § I. 434

What is Penitence as a virtue? And what is it as a sacrament? — 435. What. What is Penance as a virtue? And what is it as a Sacrament? — 435. Does contrition consist in sorrow, or in detestation? — 436. Qu. II.

For what reason should contrition be elicited? — 437. What. III. When will the precept of contrition oblige? Dub. 1. Is there an obligation additionally due from danger of death?

And whether its delay be a special sin? Dub. 2. Whether one who has confessed on his deathbed with attritions thereafter fears to elicit contrition? Dub. 3. Does a precept of contrition oblige on feast days? — 438. What.

IV. Are individual contritions required for each particular sin in order to justify? — 439. Qu. V. In confession, acts of Faith and Hope are explicitly required? — 440. What.

VI. In Sacramento whether sufficient attrition is achieved without a predominant love? — 441. Does any contrition delete a sin outside of a

sacrament? — 442. And whether a sin can remain if there is charity prevailing? The objections are resolved where it is proven that an inchoate love can be concluded in attrition. — 443. What.

VII. Does sufficient attrition from fear of temporal punishments suffice? — 444. Qu. VIII. Can a penance sacrament be at some time valid and incomplete? — 445. Qu.

Ninth. Does pain have to precede confession? — 446. Qu. Does an pain have to precede confession? By how much time does the act of sorrow morally persist? — 447. What.

Eleventh. Whether a penitent should elicit an act of sorrow with the intention of confessing it? — 448. What. Twelfth. Whoever confesses a sin and forgetting it immediately after absolution is bound to experience anew the pain of contrition? — 449. What.

Thirteenth. When should pain be elicited in the confession of venial sins? Dub. 1. Is it a mortal sin to confess venial sins without any pain? Dub. a. Is it a mortal sin to confess venial sins without any sorrow? Is it sufficient to grieve over one sin in the confession of venial sins without another?

Is sorrow for frequency sufficient? ibid. § II. De questionibus ad Propositum 180. Qu. I. Does a virtual or implicit purpose suffice? — 451. Qu. II.

What are the conditions required for a true proposition? And they are I. That it may be firm. What if the one who sets it forth believes certainly that he will relapse? II. That it may be Universal.

Is it required that the universal be posterior to mortals? III. That it may be efficacious. — 482. What? III. In what manner should the confessor conduct himself with those who are in a state of occasion for sinning?

Dub. 1. How fourfold is the occasion, and how fourfold the danger of sinning? And what occasion should life have? — 483. Dub. 2. May one absolve him who does not wish to remove a probable occasion of sinning? — 484. Dub. 3.

May one who is in a proximate voluntary occasion be absolved once or even twice? — 485. Dub. 4. Can those who are in a proximate necessary occasion be absolved once or again? Especially the reason for its own art, or Office. — 486. The sentence to be held regarding the one who would

have been absolved must be deferred. — 487. Dub. 5.

Whether one who, in a necessary occasion, having already employed remedies, has relapsed in the same manner can be absolved? — 488. The doctrine of Saint Charles Borromeo is noted. — 489. What. IV. How should a Confessor conduct himself with regard to customary practices arising from intrinsic frailty; and how with regard to recidivists? May a recidivist be absolved multiple times without extraordinary signs? — 490.

What are the extraordinary signs? — 491. What certainty of a state of fullness of disposition is sufficient to absolve him? — 492. May a disposition to absolve without the consent of the one who potentially could absolve be deferred? — 493. Is it expedient, or is it not, to frequently defer the absolution? — 494. Why rather is the absolution deferred to those who are in extrinsic occasion, and not to Recidivists from intrinsic frailty? 433. — "I suppose that Contrition in general is sorrow and detestation of the committed sin, with a purpose of amendment, as it has; whereupon He divides it into perfect, which is so called absolutely; and into imperfect, which is attrition." It is perfect, which is elicited from the motive of charity for the sake of the supreme beloved God: and this by itself soon justifies, even though with a vow and an order to confession, which one is then bound to perform.

It is imperfect, which is conceived from a lower motive, yet still supernatural. Resp. This sacrament is sufficient, and it requires at least formal attrition, supernatural, efficacious, and universal with respect to mortal sins, conceived in relation to confession, or at least absolution. It is common. See Bonaventura, d. 5, q. 5, and Schol.; and it is collected from c. ##; hence the resolution: « 1. No need is required for a supposed contrition, as Gregory desired.

Not sufficient is 1. Attrition estimated alone, although it is blameworthy, because true attrition is an essential part. Neither desire for absolution without affection toward sins: this is also refuted by common opinion against England and certain others who follow it. 1. exped. conf. c. 3. The question proposed to the respondent 31. Wherefore he sins gravely who confesses even solely venial sins, or solely mortal sins otherwise confessed without any true sorrow, because he does not place the matter of the Sacrament, and at least exposes himself to the danger of sacrilege. Thus Cardinal de Lugo stated on the 14th.

"sect. 8. etc. commun. t. 4." Response 116. Bon. d. 6. question 3. section 1. page 3. Nevertheless, it is not necessary that the pain extend to all venial sins of which he himself is conscious. Suar. Imò notat c. satis esse de uno

veniali dolere formaliter, etsi plurium sis conscius, de quibus nec dolorum, nec propositum emendandi habeas sive ea confutearis, sive non. « 3.

He is not absolved who grieves, even though he grieves most intensely merely on account of infamy, damages, or other temporal penalties precisely cut off, even if from innocent ignorance: because it is not a supernatural grief; nor can ignorance or good faith supply an essential defect. Bonac. l. c. etc. Tamen limitat Regin. cum l. 1. c. 1., nisi doleas propter istas, ut à Deo inflictas vel infingendas. « 4. No intentio nec duratio temporis requiritur ad attritionem, ut vult Durand. Even though it should be about all mortal sins, yet individual sorrows are not required for each one, as Angles desires; but a single act taken together from all is sufficient, even if forgotten: hence he gravely sins who knowingly and prudently is not moved universally by all mortal sins remitted in the nundina. Pain is not sufficient if one does not truly feel pain, as the Navarre hold. » and Sa, nor the will not to sin.

The reason for both is that there is no sorrow for sins committed with which that affection can remain fixed upon them. Where it is rightly noted, "with the act by which one grieves that he does not grieve over sins, it is most commonly associated the pain over sins, even though the one deeply feeling it does not consider himself worthy." 7. Even though this pain ought to be the greatest appetitively, so that you would rather detest nothing more than sin, and all evils of this world than to mortal sin against God; yet it is not necessary, nor expedient, to make particular comparisons: for example, I would rather suffer this or that evil than to commit mortal sin; because they are dangerous. * (And this is common among all men with St. Thomas 731, namely, that it does not profit to make an explicit comparison between sin and other evils by choosing these evils in particular rather than sin; and the less one chooses hell, because according as God's present providence, since hell is destined for those who are fixed in sin through eternal hatred towards God, it would be incongruous for man to choose to avoid sin by going to hell, where he could not remain without sin.) * Who does not wish to remove occasions proximate to sinning from himself, or does not intend to remit them, or does not restore or satisfy for them as he ought, or does not possess a formal (although it is probably with Lugo l.c. sect. 5. The reason is because there is no efficacious pain and detestation, indeed where the will can still stand in regard to sinning, nor does he wholly turn his heart to God, detesting sin above all detestable things. l. 5. tr. 6. c. 4. Diana p. 3. t. 4.

R. 119. etc. common. And although you confess only venial sins, yet there is still a suitable sorrow for them, and likewise a purpose, at least virtuous, concerning them. Card. de Lugo d. 14. sect. 8 et 9. and others. g. To return

frequently with the same mortal sin is not a certain indication of lack of attrition, although it is a great presumption, especially in those who are compelled to confess by parents, masters, etc.; likewise in those who, having been warned several times, do not separate from their concubine or make restitution, for whose absolution must therefore be deferred unless they perform this act. Although other signs of true sorrow may be present, such as if mediumly prescribed means are used, occasions of sin are avoided, if the number of sins is diminished, if the penitent has altogether asserted, to whom it is usually believed when he himself is his accuser, defender, and witness; in this matter there is need for great prudence on the part of the Confessor, lest by severity he turn away the penitent, or by lenity lead him to sin and perish with him. . p. d. 32.

Section 2. In Decretum caput 32. et librum tertium caput quintum. Card. de Lug. l. c. num. 166 et 169. Contra quorum, aliorumque communem sententiam, docent apud 10. n. 16. posse toties quoties confitetur absolvi etiamsi nullus appareat profectus; eo quod sine illo possit esse verum propositionem congruent est in his qui venialia semper afferunt eadem. Verum id probare non ausim (obdamnatas nuper ab), nec videtur esse par ratio. See Conin. d. 2. d. 14. t. 7.

R. 55. and p. 2. t. 2. miscel. R. 45. et p. 3. t. 4. « 10. Those who, out of office, from home, or on business, do not wish to depart when a proximate danger of sin is imminent in » that matter, are to be absolved, so far as it cannot be done without great difficulty, and meanwhile prescribed means are to be observed. The reason is because an occasion, even a nearby one, does not necessitate sin; hence, one can remain steadfast. § 28 LIB. VI. TREATISE.

Fourth. OF PENANCE. CHAP. I. with the purpose of avoiding sins. It makes no difference what one thinks or fears that he will not avoid one sin or many sins, because it has been proposed that the act of will is to be done: but this judgment of intellect does not necessarily follow from that proposal on account of the mutability of human will. Meanwhile, whoever is certain that it is impossible for him to avoid sinning in such an occasion, ought to abandon it unless he wishes to perish. . c. Lugo l. c. n. 152. « 11.

No se requiere dolor sensible; basta el intelectivo: ya que siendo interno y espiritual, los scrupulosos no deben angustiarse fácilmente, como si accedieran al Sacramento sin dolor, en tanto no sientan nada. He who elicited attrition from confession without thinking about it and does not refer it to the Sacrament, cannot approach that with new scruple without pain, because a part must be referred to compartment. Such [is the rule]. D. 20. sect. 4. Book 5. Question 3. Article 2. However, it seems that

Cardinal de Lugo teaches in his treatise on book 14, section 4, note 37, that it is not improbable. 1. c. 2. 13. It is insufficient for the Sacrament of Penance that follows absolution to be accompanied by sorrow; nay, according to at least a more prudent opinion, as is taught in 5. c. 4., and Fag. 14. sect. 2., and Gasp.

Hurtad. d. 6. diff. 5. among . 6. Wherefore penitents at the beginning should express sorrow in words, or if after the narration of sins let them repeat verbal confession, saying that they sorrow for the sins disclosed. See c. 14. It is probable that he who has just confessed will again be elicited to feel a new sorrow, either for the same sins or those which have been omitted, in respect to which before (explicitly and in particular) he did not feel sorrow; Card. de Lugo d. 14. sect. 3. t. 3. R. 50 and 51, and consequently a dying person on account of the danger of imminent death can be absolved after hearing one or two sins, and if the survivor remains, he can subsequently be absolved again upon hearing the remaining sins in virtue of the preceding sorrow.

Here several questions arise that are greatly necessary for knowledge in practice, both concerning the Pain and the Purpose required in Confession; Hence it is proper to treat them separately. ## § 1. ## On Questions Regarding Pain. 434. — Above all, one must advert to the fact that penance is understood in a twofold sense: namely, as a Virtue and as a Sacrament. As the virtue is defined: "Virtue tending to the destruction of sin" insofar as it is an offense to God, through medium of pain and satisfaction. » Ut Sacramentum vero definitur: « Sacramentum consistens in actibus Poenitentis; et Sacerdotis legitime absolventis in modum judicii. » Penitence indeed as a virtue was at all times necessary by a mediatory necessity to Salvation; in the Law however contrition. Du. ii. 123 gelia ut Sacramentum est pariter necessitate medii necessaria omnibus lapsis in peccatum mortale post Baptismum, saltem in voto, si non possit suscipi Sacramentum in re. 435. — Question NoneI. Poenitentia quidem ut Virtus fuit omni tempore necessaria necessitate mediî ad Salutem; in Lege autem Evan-de contritione.

Whether contrition consists in sorrow, or in detestation? Others say that it consists in pain, presupposing detestation, as Gonet d. 7. n. 6. etc. ap. Cross I. 6. p. 2. n. 657. Others, however, say that it consists in detestation, which follows from pain; and this opinion is sufficiently common and seems more true according to 4. sect. i. n. 7. Sporer n. 67. ac . It is required for the remission that a man actually detest the mortal sin committed.

The reason is because, indeed, pain is not the cause of detestation, but

detestation is the cause of pain, and pain is useful therefore, because it proceeds from the detestation of sin, which primarily aims at abolishing guilt, since it consists in willing not to have sinned. Moreover, as rightly stated by p. 520 with Vega, indeed in one is contained the other; for he who detests his own sin necessarily feels pain from it; and conversely, he who feels pain from a sin necessarily detests it. Question NoneH. Why is it necessary to elicit the act of perfect contrition? The first opinion, which is held by many, states that contrition can be elicited from any motive of Divine Attribute offended, such as Justice, Wisdom, Mercy, etc., and rightly this probable proposition is supported by section 2, number 13. and by Lugo, day 5, number 4. Reason, because he who loves Divine Justice or Mercy for God's sake already loves God; since Divine Mercy and Justice are God Himself; therefore, he who grieves over the offense to God's Mercy or Justice does so not now from a motive of concupiscence, but for God's sake.

The second however is the common and more probable opinion, which those hold, c. art. 2. n. 45. (who call it the erroneous opposite), and Croix n. 722. with Arriaga, Dic. et alii passim, teach, namely, that Contrition must altogether proceed from the motive of Love alone; that is to say, from the offense against Divine Goodness, inasmuch as this includes all the perfections of God. Reason, because it is required by c. 4 that Contrition be perfect Charity, that is, infused; and the object of Charity, as commonly taught by the Doctors, and as we have said in lib. 2, n. 24, v. The object is God as infinite Goodness, namely the root and aggregate of all perfections. 437. — Question NoneIII. When will the precept of contrition oblige? By itself speaking, it is certain among all, to obligate in the article of death, see number 31 and others similarly throughout.

By accident, however, commonly the Doctors say that it binds I. When anyone would be in a mortal sin and should administer Sacraments, or receive some Sacrament of the living, so Bon. d. 5. q. 5. s. 1. p. 2. with Vasq. Val. et Fill. ac. et II. When anyone should suffer great temptations which he does not think he can avoid unless an act of contrition is elicited. . 2. n. 1. et Salmant. n. 3 2. cum Cano, Med. etc. H I. When one is able to elicit an act of charity toward God, then upon the occurrence of a memory of sin, one is bound to detest his own sin; thus it was said by Holm, page 1, number 3, section 5, article 8. Doubt is cast.

An extrapericulum mortis obliget unquam præceptum Contritionis, et ejus dilatios its specialis peccatum. The first proposition affirms what Juanin teaches in Tertia Pars, Libro Primus, Caput Quarto, Secunda Secundae, Quaestio Tertia. Reply 2. Antoine p. 4 9 8. Concilium eiusdem temporis pagina 5, numero 1, nota 5. Cum Cardo. Vitass. et Merch. item Ales. et

Gabr. apud 1 n. 4 6.

It is proved from 1. exillo: "Nontardes convertiad Domi -" num, and nedifferas dedie indiem, subito enim veniet irail - » lius. Eccki. 5. It is proved 2. by reason of charity, that since there is no doubt it obligates more frequently even when invited, therefore also more frequently obligates the precept of contrition. However, the sentiment denies it, and this is evident from Nae Ar. cap. 1. p. 2. num. 5. vers. I said, likewise Cajet., and Du-rand., in loco 3, n. 9, considering it probable. I think, however, that these opinions can easily be reconciled.

Persuasion to speak through a sin differs in species and it is thought that this danger surpasses the probability of death without committing a special sin according to the second opinion. Reason, which the affirmative precepts affirm, as D teaches. The fourth distinction, seventh question, third article, first quaternio, fourth question, ought to have a determinate time, in which it is thought that many would; but no one can be said to have determined what time was determinate for this contrition to be satisfied: And the same applies. Doctor 2, 2, q. 14, art. 2 said that final repentance should not be a special sin, in these words: "Impenitentia non quidem meo modo." Quod est dicere permanentiain peccato usque ad mortem..., sic non esset specialis peccatum, sed quaedam peccata circumstantia, etc. Id tamen intenditur anè præcisopræceptopositivo: nam ex præcepto amnæ Confessionis ab Ecclesia præscriptæ quisque procul dubio tenetur ad paenitendum, saltem semel in anno. This however is spoken by accident, and in no way can it be excused from mortal sin, who existing during a notable time in mortality, delays repentance. Then too it is to have sinned against the precept of charity towards God, which the saltem temple ten times without any exception prohibits, according to what has been said. L. 2. n. 8.

Then indeed he would have sinned against charity towards himself, if by exposing himself to the danger of new faults he should yield to temptations: the reason is evident, which the doctrine teaches me. Th. 1. 2. q. 1 o g. art. 8. (quem sequuntur Gonet: « Sine gratia justificante quod Deus absque peccato mortali esse non potest. » Wherefore D. Gregory super Ezechiel. Holm. 1 1. said: « The sin which » soon repented does not disappear, but its weight is directed to another - » hit. What kind of time, however, if this notable time, very much D.D., is discrepant.

Concilium putat hebdomadam; idem videtur sentire; sed 1 n 5 5 cum n 9. cum Lugo Hennoque et ceteri putant excusari quid satisfacit confessioni annuali: et hoc non videtur adhaerere Dionysio. Th. in l. c. i n 4. Sent. But I wholly agree; for the space of time seems to me sufficiently notable, so

that one, existing for such a length in mortality, may be able to avoid the danger of easily relapsing into another fault. Nor is it valid to say that the Church has arbitrarily determined a time for the year; for the Church has set this time only for the obligation of Confession, not for penance. I do not deny, however, that sinners, especially beginners, on account of inattention are most certainly, nay almost always, excused from this sin by the delay of penance.

Doubt 2. An anointed corpse, if it should happen that the Sacrament of Penance is received with contrition (supposing that contrition without charity predominating is a sufficient disposition, according to the saying). V.), supererogatur insuper eliciendum actum Contritionis? The first intention affirms, yet it does not contain essence. I, 4. sect. 6. n. 18. . t. 1. 1. 1. c. 1. n. 34. Good Question 5, Part 2, Number 5. Conc. t. q. p. 5 6. n. 5.

Ans. p. 4 q. 9 n. 8. Reply 2. and Value. Fill. etc. a p. . 1. n. 3 5. Reason, because by reason of charity any in articulo mortis neither less nor more seeks remedies, that he may be delivered from present perils and avoid eternal damnation - nis. But according to the other opinion it denies this, as stated in Lugo, Decretum, lib. 7, cap. 1, num. 6, 3; ibid., cap. 11, num. 7, 3, cap. 5, num. 1, qu. 4. Sporern. 1 7 4.

Holx. n. 5 4 6. Escob. 1. 1 4. n. 1 3 o. et. 1. n. 3 9. cum Conc. Becc. Salas, Fag. Turr. et aliis pluribus, valdeque probabilem putat: Homo autem quocunque tempore, sive vitæ sive mortis, none - neturnisi ad eligendam medium salutis tuta, non autem tutiora. Both opinions are probable, but the first is decidedly more fitting, since it concerns the greatest matter of salvation, whose danger is irreparable.

To be slighted in a small thing is to be careful about what should not be delayed; for if it were left, even a little, it would remain as a root of death: indeed, whatever is neglected in this article of charity (as it must be said according to 4. Sentences 141. et 35. Sentences). Harch., etc.), in quo potest satisfacere si occurrentem memoriam peccati exeodem caritasis motivum peccatum non testetur. Dubium. 3. Whether firm and stable are the obligations of the precept of contrition? Marsilius and P. Soto, etc., affirm from article 1, note 4: because the observance of festal days has been instituted so that souls may be sanctified. But commonly Canus and Dom. deny it.

Soto, Armill. . Bon. Reg. etc. cum. c. quia finis præcepti non cadit sub præcepo. Viewed the dicta. L. 3. n. 2 4. It doubts. 4. An vow of confession in contrition ought to be explicit. Certain is it according to Trent, sessio 1,

caput 4: "Peccata non remittentis siexvotoSacramentiPoenitentiæ: dubium est an hoc voto explicitè sit habendum?"

Canus affirms in his fourth part, question two, and Tournai in the prolectio. Theol. t. 9 p. 104, quia illa, quæ de necessitate mediis untae necessaria sunt, explicitæ proponendasunt utique quibus lex jam est manifestata. They deny commonly what is more probable according to Bon. p. 3. n. 8. Goneta. 5. et. 2. n. u. 23. cum Scotus, Alensis, Adrian. Fill. Medium and others.

Reason 1. because by itself 5. 2 2 5 LIB. I V. TREATISE. First Book. Deposition. CHAP. I.

Trident. It is held that this vow is included in contrition, since when one says: "Reconciliation (which perfect contrition obtains) is obtained for this very contrition," it is said not to be admissible to attribute this sacrament-vow, which includes nothing, to it. "What is included implicitly, not explicitly, is included on the Lord's day." Reason 2. because that which has no notion of Confession, it is not necessary that when it is contrite, Confession be remembered, but suffices that it not exclude the utility; hence to Contrition it is not essential for remission of sin, since the Confession's vow is explicit. 438. — Question NoneIV. Is it required for each particular sin that a singular act of sorrow be made in order to obtain justification? They affirm in the third part, question two, article six, conclusion one, and by the Anglicans.

But as above. Others before them, as Soto, Cane, in Decretum, dist. 4, sect. 8, n. 4, have said at least that one act of sorrow is required, which detests all peccata distinctè cognita. But altogether it must be held opposite to the common opinion, which they state in no. 3. Conc. v. 66. n. 7. Juvenal de Sacramentis. Pam.

Cajet. I. 2. q. 113. a. 5 et 3. p. q. 87. a. 1. Cross n. 737. et n. 215. n. 79. cum Soto, Mastracchi, et aliis passim. All these teach that it is neither necessary to apply a particular remedy for each individual sin nor to refer sorrow specifically to distinctively recognized sins; but it suffices universally to repent of all. And yet this opinion is held by D. Thomas, although it may seem otherwise contrary to what we shall say below (ut infra dicemus); for in article 5 of question 4 he expressly teaches thus: "All sins agree in an aversion from God, on account of which they impede grace; hence, for justification it is not required that at the very moment of justification one think about each individual sin, but it suffices that one thinks about this, namely, what by his own guilt he is inclined to avoid from God." The recollection of individual sins ought either to precede, or

at least to follow justification. Understand in relation to justification, so as to be explained rightly.

The same doctrine was taught by the Catechism, where although it exhorts beforehand that the sinner should individually detest his own crimes, yet there it adds: "For as God is most eager for our salvation," He does not interpose any delay in granting us His forgiveness, but embraces the sinner with paternal charity as soon as He has gathered Him together and completely detests all his sins; which he then at some other time (if opportunity permits) will bring to mind one by one (that is, to confess and detest them in his heart), and thus turn himself to God. This sentence is approved i. e., from that: "The wicked will not be filled with joy, in whatever day he may turn to him." » Ezech. 33. Whereupon St. Leo said in his Epistle 82, c. 4: "True conversion does not tolerate any delays before God." » And S. « Toward God He did not spurn even a small punishment endured for any length of time. » » It is proven by two reasons.

The first reason is that which D. Thomas brings above, namely, since sins consist in an aversion from God, it suffices for the recovery of grace, so that the sinner may be converted to God through one act of contrition; for if the sinner did not recover grace through the first conversion, it would follow that at the same time he would have been both converted and averse. Moreover, since the sinner by his first act is converted to God, nothing prevents him from at least obtaining forgiveness for that sin; but mortal sins cannot be remitted one without the other; hence it is necessary that all be remitted together with the first act. The second reason is that great sinners, who habitually had been engaged in sins for a long time, would be unable to turn immediately to God; since it is impossible to detest all individual sins or recall them to memory in the briefest time: but this is contrary to Scripture; for many sinners, although burdened with many sins, were nevertheless justified suddenly—just as happened to Magdalene, the Thief, Paul, and especially David, who immediately said, "I have sinned against the Lord," responded the Prophet; and the Lord also removed your sin. Reg. 12. v. 13. Reason 3. quia alias quisque a peccatis occultis non posset per dolorem universalem mundari, sed caput v. 5. docet oppositum, dicens: « Reliqua autem peccata, quae diligenter cogitanti non occurrunt, in universum eadem confessione inclusa esse intelliguntur, pro quibus fideliter cum Prophet(a) dicimus: Ab occultis meis munda me, Domine. » If therefore the universal pain is effective in erasing hidden sins, why does it not also erase those sins that are not individually specified?

Reason 4. and it is intrinsic, because (as P. Suarez teaches well), when one suffers from his own crimes out of a universal reason, which conflicts with

every sin, then virtually he detests his own sins individually; for that act of suffering extends to all and each in particular. And this reason is from the same place: Distinction 17, Question 2, Article 3, Glossary 5, Answer 2, where it says: "In the movement of sudden contrition, although actual distinction cannot be found therein, yet it is found insofar as the singular sins have an order with regard to that which occurs to be grieved in that general contrition contrite, namely, concerning the offense done to God." Wherefore he adds that those who love some community virtuously love each individual; so too, those who sorrow for all sins sorrow for each individual sin. Nor does it hinder what he says in his treatise, part 1, article 1, where seeking whether a venial sin can be remitted without contrition, he responds: "Nevertheless, perfect contrition is required for the remission of mortal sin, so that man actually detest the mortal sin committed to the extent that it is in him, and thus employ diligence in recalling each individual mortal sin, so as to detest each one individually." » For wisely Cajet. He explains at that place how the Saintly Doctor is to be understood: "This can (he says) be understood in two ways; either that there should be as many detestations as there have been sins, and it is ridiculous to assert this; or that any sin should be terminated by a single act of detestation; and this is the literal sense, such that it corresponds in Confession, when the sinner says, 'I have sinned a thousand times in fornication': this single act of Confession actually terminates with regard to each of those thousand fornications; so far as interior acts are concerned, when a thousand fornications displease the sinner, he actually detests each one by that same one and same act."

But that which D. Thomas says: "Let diligence be used in remembering each mortal sin, so that each may be detested"; this necessarily must be understood of the necessary remembrance for Confession; for one would not truly detest sins who did not carefully recall them individually, so that they might be completely abhorred; for this is evident from another text of the same S. Doctor, where speaking about the remission of sins outside of Sacrament, he says: "The recollection of each individual sin must precede justification, or at least follow it." » If therefore the recognition of individual sins can follow justification, consequently it is not necessary for their remission; but only for confession, in which the sins should be explained individually with detestation. However, P. Concina l. c. well observed that it is fitting for the deformation of sins to be mediated, so that we may more easily conceive detestation thereof; excepting nevertheless those sins of luxury, lest all be admonished that the malevolent stench thereof not infect the soul. He says however. Conf. l. 1. c. 1. §. 2. n. 5. non esse inculcandum peccatori ut specialiter doleat de peccato cui magis adhaeret ne ex inductione ad illud magis detestandum pœnitentem periculo exponat ad illi magis adhaendendum sed merito n.

13 hanc doctrinam non esse sanam quia pœnitens qui majori passione afficitur erga aliquod peccatum nisi inducatur ad speciale illius detestationem remanente affectus radice de facili ad vomitum redibit. 439. — Question NoneV. Non sane est docendum peccatori ut specialiter doleat de peccato cui magis adhæret, ne ex inductione ad illud magis detestandum pœnitentem periculo exponatur ad illi magis adhærendum, sed merito hanc doctrinam non esse sanam quia pœnitens qui majori passione afficitur erga aliquod peccatum nisi inducatur ad specialem illius detestationem remanente affectus radice de facili ad vomitum redibit.

In addition to sorrow, for the attainment of grace in the Sacrament of Penance, explicitly require also acts of faith and hope? They affirm Concina, p. 166, n. 30. Hurt. d. 6. diff. 8. et Torres de Fide d. 32. d. 3. et alii, quia ex fidentes Deum sibi prop- ter Christum propitium fore. They, however, deny this, as Bonaventure states in the third question before the first, second article, ninth number, eighth chapter, seventh question, and Escobar in the fourteenth book, tenth-third number, together with Filliastre and Maldonatus, saying that, according to them, no sufficient reason is demonstrated for requiring an explicit confession of faith and hope in the act. Escob. and Lugo rightly say (harmonizing these doctrines most excellently), that when one truly approaches Confession with a penitent heart, necessarily he explicitly (not merely reflexively, but indeed exercised) performs acts of faith and hope; for when he approaches to receive the remission of his sins, without doubt he explicitly credits by virtue of the Sacrament that it is to be remitted to him, and explicitly hopes through the Sacrament that God will remit to him His sins on account of the merits of Christ. 440. — Question None

VI. Is contrition required for the reception of the sacrament of penance according to its rite, or is attrition sufficient? It is certain and common among the Doctors that perfect contrition is not required but that attrition suffices. A great question is whether attrition suffices without the beginning of love, which arises from predominant charity, although remitted (The First Sententia denies this, and Juvenin holds thus in the second book, chapter four, note two, sections one and two). Cons. 3. Morin. lib. 8. c. 4. n. 2.

Habert posits in chapter 4, section 4. Antoine p. 500. p. 68. ex n. 1. cum aliis. The reasons for this judgment will become apparent from the objections to the second judgment, which we shall follow. The second opinion is nearly common, and this are of opinion Canus Gonet p. 410. p. 103. (who asserts that more illustrious ones from ancient Theologians adhered to this), t. 9. p. 126. p. 553. q. 2. Wigand tr. 13. n. 44. Cabass.

The. J. c. 6. ex n. 11. cum Val. Viguer. . s. 14. n. 12. art. 2. s. 10. (cum communi ut ait) Lugo d. 7. n. 273. (qui dicit contrarian post 3. Bonaventura, question 1, part 2. Anacl. pag. 505. n. 47. (qui vocat moraliter certam.) q. 1. . 60. num. 22. Vioa qu. 3. art. 3. n. 7. et Croix ex n. 873. cum aliis innumeris.

They say that attrition suffices, which arises from a motive that is both honest and supernatural, namely from fear of hell or loss of eternal beatitude, or by considering the turpitude of sin in the light of faith known, not however without some initial love of God, lacking what is preponderant. This opinion is openly favored in Article 1, Question 4, where after saying, "for by mere contrition alone the sin is remitted before it is absolved," he adds: "Sometimes it happens that some do not perfectly contrite obtain the virtue of contrition through the grace of the keys." Therefore, the Sacred Doctor distinguishes thus: as the Council of Trent itself also distinguishes (as we shall soon see), between perfect contrition which justifies outside the Sacrament, and imperfect contrition which justifies in the Sacrament; and this should not be understood otherwise than as attrition that is congruent, and it is so understood and called by the Council of Trent. Prob. 1. ex eodem capite c. 4. ubi sic dicitur: « Docet præterea, etsi hanc Contritionem aliquando caritate perfec- tam esse contingat, hominemque Deo recondiliari priusquam hoc Sacramentum actu suscipiat, ipsam nihilominus recon- citationem ipsi contritioni sine Sacramenti voto, quod in illa includitur, non esse adscribendam. » Illam vero contritionem imperfectam, quæ attritio dicitur, quoniam vel ex turpitudinis peccati consideratione, vel ex gehennae et penarum metu communiter concipitur; si voluntatem peccandi excludat cum spe veniæ, declarat non solùm non facere hominem hypocritam, et magis peccatorem, verùm etiam donum Dei esse, et Spiritus S. impulsum, non adhuc quidem inhabitantis, sed tantùm moventis, quo poenitens adjutus viam sibi ad justitiam parat. Et quamvis sine Sacramento Poenitentiae per se ad justiciationem perducere peccatorem nequeat, tamen eum disponit ad Dei gratiam in Sacramento Poenitentiae impetrandam.

They object, saying that the Council (as reported by Card. Pallavicinus post magnam disceptationem delet verbum sufficit antea positum in Decreto et substituit verbum disponit ideo dicunt attritionem sine caritate disponere quidem sed non sufficere ad gratiam in Sacramento suscipiendam. But respond they with Gonet, Man. l. c., that that which is disposed signifies the same as suffices; for such a disposition cannot be understood in terms of remote disposition, since even attrition without sacrament, as it is God's gift, remotely disposes to grace, congruently disposing Niniavitas to obtain remission of punishment, as says the Council; therefore, it must necessarily be understood as proximate

disposition to grace in sacrament to be received. And this is evident, as the Theological Author rightly observes for the use of Sem. qu. 3., from those words, as stated above: «And although by itself it cannot lead to justification etc.» Therefore, with the sacrament it leads well; otherwise, if the Council had understood by disposition alone that which was remote, it would have incongruously and ineptly asserted that attrition, although by itself cannot justify, nevertheless disposes for justification with the sacrament; rather it should have said that attrition, though by itself does not dispose for the desired grace, yet does dispose with the sacrament. But it is clear that here Tridentum speaks of proximate disposition; namely distinguishing between two dispositions to Grace received, one extrinsic to the Sacrament, which is perfect Contrition, of which he previously spoke, and another within the Sacrament, which is Attrition, and of which he speaks subsequently. Si ergo Concilium designat Contritionem perfectam ut proximam dispositionem ad Gratiae consecutionem extra Sacramentum, pariter assignat hic Attritionem pro dispositionem proxima ad Gratiam in Sacramento obtinendam.

Moreover: The Council distinguishes between Attrition outside of Sacrament, and this it calls a gift of the Holy Spirit, preparing a way to justice; consequently, it is a remote disposition for Grace (any good act is congruent), although it does not suffice for justification; and between Attrition inside of Sacrament, and this it designates as a disposition for grace to be received in the Sacrament: Therefore, it supposes a proximate disposition, otherwise it would have distinguished in vain. Furthermore: Contrition, which is the sorrow and detestation of the soul for a committed sin, the Council of Trent says to be matter, or rather quasi-matter of this Sacrament; moreover, although it divides this Contrition into perfect and imperfect, yet since the definition of Contrition applies equally to both, and assigns both as matter, it follows that imperfect Contrition also proximately disposes for the reception of Grace. This is confirmed patiently by the same Council in the same chapter 4, where immediately after the aforementioned words it subjoins: "Wherefore some falsely calumniate Catholic writers, as though they had handed down the Sacrament of Penance without the good movement of those receiving grace." But no one accused Catholic writers of heresy those who said that the Sacrament of Penance conferred grace upon the contrite, but only those who said it conferred grace upon the attrited; because they claimed that these penitents lacked a good motive and sufficient disposition for obtaining grace in the Sacrament. ## DE CONTRIBUTION. DUB. II.

Thus spoke Luther: (according to Frassen, vol. 2, p. 864) "Sadness due to the corruption of sins, and the loss of eternal beatitude, makes one a hypocrite; rather more, it makes a sinner, and such are indignantly

absolved." » And furthermore there he disapproved of those who call this disposition immediately preceding contrition attrition. » But the Holy Synod declares falsely that these writers are calumniated by heretics: Therefore the Council consequently approved openly their opinion by thereby vindicating it from those calumnies. Hereby our most holy father testifies. Pope Benedict XIV de Synodo l. 7. c. 13. ex num. 6. post Tridentinum omnes Scholas nostram sententiam plausu excepisse.

Wherefore Cardenas non immersitò . . Palao; hoc autem advertendum est quod Alexander VII prohibuit die 5 Maii 1667 sub excommunicationis reservata ad Apostolicam Sedem ne quis « audeat aliquius theologica censuræ, alteriusve injurie aut contumeliæ nota taxare aliam sententiam sive negentem necessitatem aliquae dilectionis Dei in attritione ex metu gehennæ concepta quæ hodie inter Scholasticos communior videtur sive asserentem dictam dilectionis necessitatem. » However, this Decree does not prohibit that each patron call his own opinion true or certain: Rather, it is said in Lugo de Fide, day 20, number 104. Carden. in i. Crisi d. q. n. 297. Cross L. I. N. 99. with N. 33. at the end and verses. I said that it is not to be considered improbable and false because improbability and falsity are not theological censure.

Besides which, the Pontiff, by saying that the necessity of love is not common in attrition among scholastics, seems to have perceived (as P. Propos. 15, n. 33, appropriately observed) that he did not only tolerate it, but also in some way approved it; at least he certainly attributed great weight to it himself. Forasmuch as it was spoken concerning the sentence which pertains to the value of the Sacrament, and Alexander having testified that the Scholastics commonly received it, consequently he testifies in the schools that it is commonly held there to be morally certain; for no one conceals himself in matters of Sacraments from holding an opinion which is not either more secure or morally certain: At least if the Pontiff had intended otherwise, by simply asserting this, he would have given a great handle for error in such a grave matter and looking towards practice, since it is the proximate matter of this Sacrament, whence the salvation of so many souls depends. It is proved by reason, because the Sacraments effectually produce what they signify, and do it actually. Since this Sacrament, by Christ's institution, is a Sacrament of the Dead, and per se primarily has the power to confer grace, it is necessary (as teaches D. g. 84, art. 3, ad 5) that the Priest absolving the penitent show him as absolved not only significatively but also effectively, that is, by himself pronouncing the form of absolution, those words not merely to signify the avoidance of sin for the purpose proposed. It matters not what one thinks or fears that he will not avoid one sin or many, because the purpose is the act of will: but such an estimation is an act of intellect which does not

necessarily follow from that purpose on account of the mutability of human will. Meanwhile, whoever is certain that it is impossible for him to avoid sinning in such an occasion, ought to abandon it, unless he wishes to perish. C. Lugo l. c. n. 15a.

Careless: who is then both internal and spiritual, scrupulous ones should not easily approach the Sacrament, as if they would go to it without pain, because they do not feel anything. 12. He who, without any thought of confession, elicited attrition, and not referring it to the Sacrament, cannot approach that with new contrition, because a part must be referred to compartment. Ita . 20. sect. 4. Bon. d. 5. q. 3. p. 2. However, it seems that Cardinal de Lugo teaches in d. 14, sect. 4, n. 37, that it is not improbable. . 1. c. 2., no. 13. It is insufficient for the Sacrament of Penance that sorrow follows absolution; nay, according to at least the opinion of a guardian, which is taught in 5 Sent., 4, and Fag. 14, sect. 2, and Gasp.

Hurtad. d. 6. diff. 5. among . 6. Where penance begins either at the outset to excite sorrow, or if after the narration of sins it is made, they should repeat the verbal confession, saying that they sorrow for the sins disclosed. See c. 14. It is probable that he who has just confessed will again be elicited to contrition for the same sins, or those which have slipped by before (sins about which he previously did not feel sorrow explicitly and in particular), so as to experience a new sorrow; Card. de Lugo d. 14. sect. 3. R. 5o et 5i, et consequenter potest moribundus propter periculum instantis mortis absolveri, audito tantum uno aut altero peccato, et deinde si superstes maneat, auditis reliquis iteratis absolveri in virtute doloris praecedentis.

Here several questions occur which are greatly necessary for knowledge in practice, both as regards the Pain and as regards the Purpose required in Confession; Wherefore it is proper to treat of them separately. ## 5. I. Regarding Questions Concerning Pain. 454. — Above all, it should be noted that penance is understood in a twofold sense; namely, as a Virtue and as a Sacrament. As virtue is defined: "Virtue tending towards the destruction of sin," insofar as it is an offense to God, through medium of pain, and satisfaction. » Ut Sacramentum vero definitur: « Sacramentum consistens in actibus Poenitentis; et Sacerdotis legitime absolventis in modum judicii. » Penitence indeed as a virtue was at all times necessary by a secondary necessity for Salvation; but in the Law it is otherwise concerning contrition. DUB.

II. 223 gelia ut Sacramentum est pariter necessitate medii necessaria omnibus lapsis in peccatum mortale post Baptismum, saltem in voto, si non possit suscipi Sacramentum in re. 453. — Question NoneI. Gelia ut

Sacramentum est pariter necessitate medii necessaria omnibus lapsis in mortale post Baptismum, saltem in voto, si non possit suscipi Sacramentum in re. 453. — Question NoneWhether contrition consists in sorrow, or in detestation? Others say that it consists in pain, presupposing detestation, as Gonet d. 7. n. 6. etc. ap. Cross I. 6. p. 2. n. 657. Others, however, say that it consists in detestation, which follows from pain; and this opinion is sufficiently common and seems more true according to 4. sect. i. n. 7.

Sporer n. 67. ac Nao. Caj. Reg. c. ex. p. q. 87. art. 1. ubi docet: « Exigitur ad remissionem, ut homo actualiter peccatum commissum detestetur. » The reason is that it is not indeed pain which is the cause of detestation, but detestation which is the cause of pain; and pain is useful on this account, because it proceeds from the detestation of sin, which primarily consists in the abolition of guilt, since it is a matter of willing not to have sinned. Moreover, as rightly say Frass. i. 10. p. 529 with Vega, indeed in one another is contained; for he who detests his own sin necessarily feels pain from it; and conversely, he who feels pain from the sin necessarily detests it. Question NoneH.

Why is it necessary to elicit the act of perfect contrition for this reason? The first opinion, which is held by many, states that it can be elicited from any motive of offense against any Divine Attribute, such as Justice, Wisdom, Mercy, etc. And justly this probable proposition is supported by Puent . sect. 2. num. 13. and Lugo d. 5. n. 4. Reason, because he who loves Divine Justice or Mercy for God's sake already loves God; since Divine Mercy and Justice are God Himself; therefore, he who grieves over the offense to God's Mercy or Justice does not now out of a motive of concupiscence, but for God's sake grieves. The second however is the common and more probable opinion, which those hold, c. art. 2. n. 45. (who call it the erroneous opposite), and Croix n. 722. with Arriaga, Dic. et alii passim, teach, namely, that contrition must altogether proceed from a single motive of Charity; to wit, the offense against Divine Goodness, inasmuch as this includes all the perfections of God. Reason, because according to c. 4 it is required that contrition be perfect charity, that is, infused; and the object of charity, as commonly taught by the Doctors, as we have said in 1. 2. n. 24, v. The object is God as infinite Goodness, namely the root and aggregate of all perfections. 437. — Question None

III. When will the precept of contrition oblige? By itself speaking, it is certain among all, to obligate in the article of death, see number 31 and others similarly throughout. By accident, however, commonly the Doctors say that it binds I. When anyone would be in a mortal sin and should administer Sacraments, or receive some Sacrament of the living, so Bon. d.

5. q. 5. s. 1. p. 2. with Vasq. Val. et et II.

When one should suffer great temptations which he does not think he can avoid unless an act of contrition is elicited. . 2. n. 1. et Salmant. n. 3 2. cum Cano, Med. etc. HII. When one is able to elicit an act of charity toward God, then, upon the occurrence of a memory of sin, one is bound to detest his own sin; as it is said by Recteait Holtm, page 131, number 518. Dubitaturi. An extrapericulum mortis obliget unquam præceptum Contritionis, et ejus dilatios its specialis peccatum. The first proposition affirms what John of St. Thomas holds in Tom. 9. p. 4 I 6. c. 1. q. 3. Reply 2.

Antoine p. 4 9 8. Concilium eiusdem temporis pagina 5, numero 1, nota 5. Cum Cardo. Vitass. et Merch. item Ales. et Gabr. apud Satm. c. 1. n. 46. Probaturos: ex illo: "Nontardes converti ad Domum -" num, et ne differas de die in diem, subito enim veniet ira - » lius. "Ecchi. 5." It is proved that the precept of charity obligates even more frequently than is doubtful when one is not invited, therefore also more frequently does the precept of contrition oblige.

According to the true sentiment, it denies this, as stated in Navarrete, cap. i., p. 2, num. 5, vers. I said, likewise Cajetan and Du Rand, according to whom it considers probable. I think, however, that these opinions can easily be reconciled. Persuadet quod loquatur peccator differens ponientiam extrapericulum mortis probabiliternon committit speciale peccatum cum secunda sententia. Reason, which the affirmative precepts teach according to D. The fourth distinction, seventh gloss, third article, first question, fourth chapter should have a determinate time, in which it is believed that most would; but as to whether there has been determined what time was determinate for this contrition to be performed: And on the same account S.

Doctor 2. 2. q. 14. art. 2. dixit: imponentiennam non esse peccatum speciale, his verbis: « Imponentiennam non quidem meo modo » quodicit permanentiam in peccato usque ad mortem..., sic non esset specialis peccatum, sed quaedam peccata circumstantia, » etc. » Id tamen anæ intelligendum, præcisopræceptopositivo: nam ex præcepto annuæ Confessionis ab Ecclesia præscriptæ quisque procul dubio tentetur ad ponendum, saltem semel in anno, non modo. This however is spoken by accident, and in no way can a mortal sin be excused who exists in mortality for a notable time, differing the impenitence. Then too he sinned against the precept of Charity towards God, which is commanded ten times in the Psalms without exception, according to what has been said. 1. 2. n. 8. Then indeed he would have sinned against charity towards himself,

when exposing himself to the peril of new faults by yielding to temptations: this is evident and what it teaches is clear. Th. 1. 2. g. 1 0 g. art. 8. (quem sequens urget Gonet: « Sine gratia justificante, quod Deus absque peccato mortali esset non potest. » Wherefore D.

Gregory super Ezechiel dixit: « Peccatum quod mox perponentientiam non deletur suopondere ad aliud trahit ». What-ever-then such that if this notable time, very DD. discre-pant. Concilium putat hebdomadam; idem videtur sentire; sed 1. n. 5 5. n. u. 9. cum n. 5 4. cum Lugo, Henno, etc., putant excusari, quis satisfacit Confessioniаним nu: et hoc non videtur adhaerere. Th. in l. c. i n 4. Sent. But I agree with everything; for the space of time seems to me sufficiently notable, so that one who exists within such a span of time in mortality may easily avoid the danger of readily relapsing elsewhere.

Nor is it valid to say that the Church has arbitrarily determined a time for the year; for the Church has set this time solely for the obligation of Confession, not for penance. I do not deny, however, that sinners, especially beginners, are most frequently and in fact almost always excused from this sin on account of inadvertence. Doubt ab. He who at the point of death receives the Sacrament of Penance with Contrition (supposing that Contrition without a predominant love of charity is sufficient disposition, according to what is said in the aforementioned). Furthermore, is it held that he who has received the Sacrament of Penance at the point of death with contrition be obliged to elicit an act of Contrition? The first proposition affirms this, and they hold it: 14th section, 6th article, note 18, book 1, chapter 1, note 34, part 2, note 5, note 5.

R. 2. and Val. c. 1. n. 35. Reason, because according to the law of charity, each one at the point of death is bound to seek the safer remedies, in order to be liberated from the danger of eternal damnation by avoiding the temporal peril. The second opinion denies this, and this is held by the Lugdunenses, d. 7, nu. 163, n. 7, n. 5, q. 4. Sporer n. 174. Escob. l. 14. n. 130. et n. 39. cum Turr. et aliis pluribus, valdeque probabilem putat: Homo autem quocunque tempore, sive vitae sive mortis, non tenetur nisi ad eligenda media salutis tuta, non autem tutiora. Both opinions are probable, but the first must certainly be preferred when it concerns the supreme business of salvation, whose danger is irremediable.

But I say that it is altogether to be followed by him who shall be in the actual article of death: for then each one is bound to elicit the act of charity (as it ought to be held both with and without). Doubt. 3. Does the precept of Contrition oblige on feast days? They affirm, Marsilius and P.

Soto, etc., according to note 49, because the observance of the Feast was instituted so that souls might be sanctified. But commonly deny Camus and Domus. Soto, Armill., etc., cum: c. quia finis praecepti non cadit sub praecepto.

See what is said [there] in volume 3, note 264. He doubts. 4. A vow of Confession in contrition should be explicit. It is certain from c. 4 that sins are not remitted except by the vow of the Sacrament of Penance: doubt exists whether this vow should be explicitly held? Camus affirmat p. 4, q. 2 et t. q. p. 104, quia illa, quae de necessitate medii sunt necessaria, explicite proponenda sunt his quibus lex jam est manifestata. They indeed commonly deny probable reason n. 8.

Gonet a. 5. et nu. 23. cum Scotus, et aliis. Reason 1. Because from itself the Council of Trent establishes that this vow is included in Contrition, since there it is said: "Reconciliation (which through perfect contrition is obtained) to contrition itself, without a sacramental vow, which is included in that, is not to be attributed." "What is included in another is implicit, not explicit." Reason 2. because those who have knowledge of Confession do not need to recall Confession during contrition, but it suffices that they do not exclude it; therefore, for the remission of sin, it is not essential that the vow of Confession be explicit in contrition. 438. — Question NoneIV. Is it necessary for each particular sin to have a separate act of sorrow in order to attain justification?

They affirm that for each peccatum there is required an act of sorrow in order to obtain justification, as Sylvac 3rd part., q. 2., a. 6., concl. 1., and Anglicus ap. For business as above. Others, however, as Soto, Cane, have said in Decretum, fourth section, eighth chapter, note four, have stated that at least one act of sorrow is required, which detests all distinctively known sins separately. But altogether it must be held opposite to the common opinion, which they state in n. 3. Conc. v. 66. n. 7. Juvenalis de I. 2. q. 113. a. 5 et 3. p. q. 87. a. i.

Cross n. 737. and Eibel p. 215. n. 79. with Soto, Mastr., and others frequently. All these teach that it is neither necessary to apply a particular remedy for each individual sin, nor is it required that sorrow be referred distinctly to recognized sins, but it suffices to place sorrow universally for all. And yet this opinion is held by D. Thomas, although it might seem otherwise contrary to what we will say below (namely, in article 5 of question 4), for he expressly teaches thus: "All sins agree in an aversion from God, on account of which they impede grace; hence, for justification it is not required that one think about each individual sin at the very moment of justification, but it suffices that one thinks about this, namely,

what by his own guilt he is inclined to avoid from God." Singulis peccatorum recognitio aut praecedere debet, vel saltem sequi justificationem. Understand in relation to justification, so as to be rightly explained. The same [doctrine] Gatech taught, although it exhorts beforehand that the sinner should individually detest his own crimes, yet there it adds: "For He (God), since He is most eager for our salvation," does not interpose any delay in granting us His forgiveness, but "embraces the sinner with paternal charity as soon as He has gathered Him together, and entirely detests all his sins; which he then at some other time (if opportunity permits) will bring to mind (that is, to confess) and detest from the heart, so that he may turn himself to God."

This sentence is approved i. e., from this: "The impiety of the impious shall not be laid to his charge, in whatever day he may turn himself." » Ezech. 33. Whereupon St. Leo said in his Epistle 82, c. 4: "With God there are no true conversions that tolerate delays." » And S. « Toward God He did not spurn any penalty, however slight, endured even for a brief time. » » It is proven by two reasons. The first reason is that which D. Thomas affirms above, namely, since sins consist in an aversion from God, it suffices for the recovery of grace that the sinner be converted to God through one act of contrition; for if the sinner did not recover grace through the first conversion, it would follow that at the same time he would be both converted and averse.

Furthermore, since the sinner by his first act is converted to God, nothing prevents him from at least obtaining forgiveness for that sin; but mortal sins cannot be remitted one without the other; hence it is necessary that all be remitted together with the first act. The second reason is that great sinners, who habitually had been engaged in sins for a long time, would be impossible to convert immediately to God; since it is impossible to detest all individual sins or recall them to memory in the briefest time: but this is contrary to Scripture; for many sinners, although burdened with many grave sins, were nevertheless justified suddenly—just as happened to Magdalene, the Thief, Paul, and especially David, who immediately said, "I have sinned against the Lord," responded the Prophet; and the Lord also carried your sin away. Reg. 12. v. 13. Reason 3. quia alias quisque à peccatis occultis non posset per dolorem universalem mundari, sed caput v. 5. docet oppositum, dicens: « Reliqua autem peccata, quae diligenter cogitanti non occurrunt, in universum eadem Confessione inclusa esse intelliguntur, pro quibus fideliter cum Prophetia dicimus: Ab occultis meis munda me, Domine. » "If therefore the universal sorrow is effective in erasing hidden sins, why does it not also suffice for those which do not occur singly?" Reason 4. and it is intrinsic, because (as P. Suarez teaches well), when one grieves over his own crimes for a universal reason, which

conflicts with every sin, then virtually he detests his own sins individually; for that act of grief extends to all and each individually.

And this reason is from the same article, namely Distinction 17, Question 2, Article 3, Question 5, Answer 2, where it says: "In the movement of sudden contrition, although actual distinction cannot be found therein, yet it is found insofar as the singular sins have an order with regard to that which occurs to be grieved in that general contrition, namely, the offense against God." Wherefore he adds that those who love some community virtuously love each individual; so too, those who sorrow for all sins sorrow for each one. Nor does it hinder what is said in the proposition question 8 part 1 article 1 where he asks whether a venial sin can be remitted without sorrow for one's own fault; he responds: "Nevertheless, perfecter penitence is required for the remission of a mortal sin, so that man actually detests the mortal sin committed to the extent that it is in him, and uses diligence to remember each individual mortal sin, thereby detesting each individually." For Cajetan wisely explains how the Saintly Doctor is to be understood in that place: "This can (he says) be understood in two ways; either that there should be as many detestations as there have been sins, and it is ridiculous to assert this; or that every sin is terminated by detestation; and this is the literal sense, so that it corresponds in Confession, when the sinner says, I have sinned a thousand times in fornication: this single act of Confession is actually terminated with regard to each of those thousand fornications; thus as regards interior acts, when the sinner dislikes a thousand fornications, he actually detests each one by that same one and same act." » But that which D. Thomas says: « Let diligence be employed in remembering each individual mortal sin, so that each may be detested; » must necessarily be understood in terms of the necessary remembrance for Confession; for one would not truly detest sins who did not carefully recall them individually, so as to abhor them; this being evident from another passage of the same S. Doctor, where speaking of the remission of sins outside of Sacrament, he says: « The recollection of each individual sin must precede justification, or at least follow it. » » Si igitur recognitio singulorum peccatorum potest sequi justificationem, consequenter non est necessaria ad ipsorum remissionem; sed tantum ad Confessionem, in qua sin- gulatim cum detestatione peccata explicari debent.

Moreover, F. has well observed. Concina in loco citato consultavit esse peccatorum deformationem meditari, ut facilius detestationem concipiamus; exceptis tamen peccatis luxuriæ, ut omnes admonent, ne eorum fætor maleficus animam inficiat. He however says. Conf. l. 1. c. 1. §. 2. n. 5. non esse inculcandum peccatori ut specialiter doleat de peccato cui magis adhaeret ne ex inductione ad illud magis detestandum

pœnitentem periculo exponat ad illi magis adhaendendum sed meritò n. 13 hanc doctrinam non esse sanam quia pœnitens qui majori passione afficitur erga aliquod peccatum nisi inducatur ad speciale illius detestationem remanente affectus radice de facili ad vomitum redibit. 439. — Question NoneV. Non tamen hanc doctrinam meritò sanam esse dicendum, quia si pœnitens majori passione afficitur erga aliquod peccatum, nisi inducatur ad specialem illius detestationem, remanente affectus radice, de facili ad vomitum redibit. In addition to sorrow, for the attainment of grace in the Sacrament of Penance, explicitly require also acts of faith and hope?

They affirm Concina, p. 166, n. 30. Hurt. d. 6. diff. 8. et Torres de Fide d. 32. d. 3. et alii, quia ex fidentes Deum sibi prop- ter Christum propitium fore. They, however, deny this, as Bonaventure states in his third question on prayer, second gloss, ninth number, eighth chapter, seventh quaestio, and Escobar in his fourteenth book, one hundred and three numbers, with Filius and Maldonatus, saying that, according to them, no sufficient reason is demonstrated for requiring an explicit confession of the act of faith and hope. Escob. and Lugo rightly say (harmonizing these doctrines most excellently) that when one truly approaches Confession with a penitent heart, necessarily he explicitly (not merely reflexively, but indeed actively) makes an act of faith and hope; for when he approaches to receive the remission of his sins, without doubt he explicitly credits by virtue of the Sacrament that it is to be remitted to him, and explicitly hopes through the Sacrament that God will remit to him His sins on account of the merits of Christ. 440. — Question NoneVI.

Is contrition required for the reception of the sacrament of penance according to its rite, or is attrition sufficient? It is certain and common among the Doctors that perfect contrition is not required but that attrition suffices. The great question is whether attrition suffices without an inchoate love, which arises from predominant charity, although remitted (The First Sententia denies this, and Juvenin holds thus in the second book, chapter four, note two, sections one and two). Cons. 3. Morin. lib. 8. c. 4. n. 2. Haber from penitence c. 4. § 4.

Antoine p. 500. p. 68. ex n. 1. cum aliis. The reasons for this judgment will become apparent from the objections to the second judgment, which we shall follow. The second opinion is nearly common, and this are maintained by Canus Gonet, p. 410. p. 103. (who asserts that more illustrious among ancient Theologians adhered to this), t. 9. p. 126. p. 553. q. 2. Wigand tr. 13. n. 14. Cabass. The.

J. c. 6. ex n. 11. cum Val. Viguer. . s. 14. n. 12. art. 2. s. 10. (cum

communi ut ait) Lugo d. 7. n. 273. (qui dicit contrariam post 3. Bonaventura, question 1, part 2. Anacl. pag. 505. n. 47. (qui vocat moraliter certam.) q. 1. . 60. num. 22. . 3. art. 3. n. 7. et Croix ex n. 873. cum aliis innumeris. They say that attrition suffices, which arises from a motive of honest and supernatural reason, namely from fear of hell or loss of eternal beatitude, or from consideration of turpitude in the light of faith known to be disgraceful; yet not without some initial love of God, apart from what is pre-eminent. This opinion openly favors it, Article 4, Section 1, where after having said, "That by mere contrition the sin is remitted before absolution," he adds: "Sometimes it happens that some, not being perfectly contrite in virtue of the keys, obtain the grace of contrition."

Therefore, the Sacred Doctor distinguishes thus: as the Tridentine Council also distinguishes (as we shall soon see), between perfect contrition which justifies outside the Sacrament, and imperfect contrition which justifies in the Sacrament; and this is not to be understood otherwise than as attrition, congruent it is understood, and called by the Tridentine name. Prob. 1. ex eodem capite c. 4. ubi sic dicitur: « Docet præterea, etsi hanc Contritionem aliquando caritate perfec- tam esse contingat, hominemque Deo recondiliari priusquam hoc Sacramentum actu suscipiat, ipsam nihilominus recon- cliationem ipsi contritioni sine Sacramenti voto, quod in illa includitur, non esse adscribendam. » That very contrition, which is called attrition, because it is commonly conceived either from the consideration of turpitude of sin, or from the fear of hell and pains; if it exclude the will to sin with hope of pardon, it declares not only that it does not make a man hypocritical, and more a sinner, but also that it is a gift of God, and an impulse of the Holy Spirit, not yet dwelling in him, but merely moving him, by which the penitent is helped to prepare the way for justice. Et quamvis peccatum per se sine Sacramento Poenitentiae ad justificationem eum non perducere possit, tamen eum disponit ad Dei gratiam in Sacramento Poenitentiae impetrandam. They object, saying that the Council (as reported by Cardinal...) Pallavicinus after great debate erased the word sufficit.

Previously in the Decree placed, and substituted the word disponit; therefore they say that Attrition without charity disposes indeed, but does not suffice for Grace to be received in the Sacrament. But it is replied 1. with Gonet, Man. l. c., that that which disposes likewise signifies and suffices; for such disposition cannot be understood as a remote disposition, since Attrition even without the Sacrament, insofar as it is God's gift, remotely disposes toward Grace, congruently disposing Nini- vitas to obtain remission of punishment, as says the Council; therefore, it must necessarily be understood as a proximate disposition toward Grace in the Sacrament to be received. And this is evident, as the Theological Author

rightly observes for the use of Sem. qu. 3., from those words, as stated above: «And although without the Sacrament it cannot per se lead to justification etc.» Therefore, with the Sacrament it leads well; otherwise, if the Council had understood by disposition alone that which is remote, it would have incongruously and ineptly asserted that contrition, although without the Sacrament cannot justify, nevertheless disposes for justification with the Sacrament; rather it should have said that contrition, though without the Sacrament does not dispose for the obtaining of grace, yet does dispose with the Sacrament. But it is clear that here Tridentum speaks of the proximate disposition; namely distinguishing between two dispositions to Grace received in the Sacrament, one extrinsic to the Sacrament which is Perfect Contrition, of which he previously spoke, and another intrinsic to the Sacrament which is Remorse, of which he speaks subsequently. Si ergo Concilium assignat Contritionem perfectam ut proximam dispositionem ad Gratiae consecutionem extra Sacramentum, pariter assignat hic Attritionem pro dispositionem proxima ad Gratiam in Sacramento obtinendam. Moreover: The Council distinguishes between Attrition outside of Sacrament, and this it calls a gift of the Holy Spirit, preparing the way to justice; consequently, it is a remote disposition to Grace (any good act is congruent), although it does not suffice for justification; and between Attrition inside of Sacrament, and this it designates as a disposition to receive grace in the Sacrament: Therefore, it supposes this proximate disposition, otherwise it would have inutilly distinguished.

Moreover: Contrition, which is the sorrow and detestation of the soul for a committed sin, Trent says to be matter, or rather quasi-matter of this Sacrament; hence, although it divides contrition into perfect and imperfect, nevertheless, since both admit the definition of contrition and assign both as matter, it follows that imperfect contrition also proximately disposes one for subsequent grace. This is clearly confirmed by the same Council in the same chapter 4, where immediately after the aforementioned words it subjoins: "Wherefore some falsely calumniate Catholic writers, as though they had handed down the Sacrament of Penance without the good movement of those receiving grace." But no one accused Catholic writers of heresy those who said that the Sacrament of Penance conferred grace on the contrite, but only those who said it conferred grace on the attrited; because they claimed that these penitents did not lack a good motive and sufficient disposition to obtain grace in the Sacrament. ## DE CONTRITIONE. DUB. II. Thus spoke Luther: (according to Frassen, vol. 10, p. 864) "Sadness due to the filthiness of sins, and the loss of eternal beatitude, makes one a hypocrite; rather more, it makes one a sinner, and such are indignantly absolved."

"And furthermore there he disapproved of those whom he called this proximately disposing attrition towards contrition." » But the Holy Synod declares falsely that these writers have been calumniated by heretics: Therefore the Council consequently approved openly their opinion by thereby vindicating it from those calumnies. Hereby our most holy father testifies. Pope Benedict XIV from the Synod. 1. 7. c. 13. according to num. 6. after Trent all our schools received our judgment with applause. Wherefore Cardenas and Sabm. . . Palao did not improperly merit censure; but it should be adverted to that Alexander VII, on the 5th day of May, 1667, prohibited under pain of excommunication reserved to the Apostolic See, that no one "dare tax with the censure of some theological condemnation or other injury or contumely either the one sentence or the other, whether denying the necessity of some measure of God's love conceived through fear of hell in temptation, which today is more commonly held among the Scholastics, or affirming the necessity of that said love."

"However, this Decree does not prohibit patrons from calling either of the opinions their own as true or certain: Rather, Lugo states in his work on Faith, dissertation 20, number 104." Cardenas in I. Crisi, Decretum, quaestio, numerus 297. Cross L. 1. n. 99. with n. 33. at the end and verses. I said that it is not to be considered improbable and false because improbability and falsity are not theological censure. Besides the fact that the Pontiff, by uttering a sentence denying the common necessity of love in attrition among scholastics, seems to have perceived (as P. appositely remarked in Proposition 15, n. 33) that not only did he tolerate it, but also in some way approved it, at least assigning it great weight.

Forasmuch as it was being discussed concerning a judgment which pertains to the value of the Sacrament, and Alexander is attested to have received it more commonly among the Scholastics, consequently he testifies in the schools that it is held more commonly as morally certain; for no one conceals himself in matters of Sacraments from holding an opinion which is not either that of a tutor or morally certain: At least the Pontiff, if he had intended otherwise, would have provided a great handle for error in such a grave matter and looking to practice, since it is a proximate matter of this Sacrament, whence the salvation of so many souls hangs. The second reason is proved because the Sacraments effectually produce what they signify. Since this Sacrament, by Christ's institution, is a Sacrament of the Dead, and per se primarily has the power to confer grace, it is necessary (as teaches D. q. 84. art. 3. ad 5.) that the Priest absolving the penitent show him as having been absolved not only significatively but also effectively; namely, so that by himself pronouncing the form of absolution, those words not only signify but also effect the

remission of sin. Hence we say that if attrition were insufficient for remission and contrition were required, which outside the Sacrament justifies the man, all penitents should approach this Sacrament having been justified. It is not fitting to say that even if penitents who are always justified should accede to this Sacrament, the sins would always be remitted by virtue of the Keys, since it is taught by the Tridentine Council that perfect contrition does not justify without the prayer of the Sacrament (understand explicitly or implicitly); for it is responded that if this were the case, the Sacrament of Penance would never effect what it signifies to be written, namely absolution from sins. Furthermore, it is responded from the chapter "Si Presbyter," 12, and the chapter "Agnoëmus," 13.

Caus. 29. q. 6. quod Julianus et Coelestinus Pape dicunt, Sacerdotem negantem absolutionem morienti eam postulanti, causam esse illius damnationis; ergo supponunt Pontifices, quod esto moriens haberet votum Sacramenti, et dispositus esset ad absolutionem, tamen ob ejus negationem damnaretur; ergo absolutio actu peccata remittit. 441. — Hoc non quidem negant ipsimet adversarii, sed dicunt (et signanter Sylo. in Suppl. D. ar. 1.) quòd peccatum extra Sacramentum remittitur tantùm per contritionem perfectam nempe quæ oritur ex caritate intensa, non autem per contritiónem quæ oritur ex caritate remissa, sive per attritionem ortam ex amore inchoatus, qui licet sit prædominans, sit tamen remissus. But it is replied that every pain which arises from preponderating charity is a contrition justifying man outside of the Sacrament, as commonly taught by the aforementioned Doctors; for in the Supplement, question 5, article 3, thus it is said: "Contrition, as often stated (question 1, article 2, ad 1). » and q. 3 and 4. ar. 1., has a twofold sorrow; one of reason, » which is displeasure at the sin committed, and this can be so » small as not to suffice for the notion of contrition, if the sin » displeased him less than it should have done in separation from » the end; love may also be so remitted that it does not suffice » for the notion of charity; another sorrow has a sense, and the » littleness of this does not hinder the reason of contrition; » because it is not by itself related to contrition, but rather is » added quasi ex accidente; and again it is not in our power. Then he concludes thus: "Therefore it must be said that, however small the pain may be, so long as it suffices for the reason of contrition, it remits all guilt." Therefore thus it must be said: That person who has contrition arising from predominant charity now finds the sin more displeasing to him, because it is a separation from the end; therefore remission of the sin follows hereupon.

Nor is it valid to say that the Holy Doctor speaks here of the requisite pain in the Sacrament of Penance. Although this speaks of the parts of this Sacrament, nevertheless, when speaking of Contrition, it generally speaks

of it as a virtue, just as the Authors do who, in speaking of the required sorrow for the Sacrament of Penance, also speak of contrition in general. Whereby St. Thomas there proposes the question, "Whether slight contrition suffices for the remission of greater sins?" And hence he resolves: "Every contrition is a grace-making formative grace"; therefore, whatever it may be in its smallness, it erases every guilt. » Herein nowhere does the Holy Doctor speak a word about the Sacrament of Penance; why then is his doctrine restricted to contrition in the Sacrament? Then, what he himself says regarding contrition in general is evident from the questions which he previously proposes, namely: "Whether contrition is sorrow taken up for sins with the purpose of confessing them?"

Whether it is an act of virtue? « Whether contrition should be with regard to original sin? » Is the entire life "time for contrition"? Doth in another life the soul be crushed by sins? The aforementioned doubts cannot be reduced to contrition as matter for the Sacrament. Moreover, that St. Thomas held this opinion, namely, that all contrition eradicates sin outside of the Sacrament, is evident from what he says in III P. Q. 86 Art. 3, where he states: "for true penance to be required, it must detest" the sin, because it is contrary to God's supreme and most beloved will above all things.

» Likewise from the text quoted above in Quodl. 4. art. 1., where (as we have reported) he says, "that through mere contrition the sin is remitted... but if before absolution this Sacrament has it in its vow, then already the power of the keys operates therein and brings about the forgiveness of the sin." Therefore always when the Holy Doctor speaks absolutely of pain that pertains to the reason of contrition, he always understands by it that the peccatum is remitted extra Sacramentum. But that any contrition arising from preponderating charity, although remitted, deletes the peccatum, is proved i. ex c. 4. in sess. 14. where it is said: "Even though this contrition sometimes contingently be perfect charity and reconcile man to God before this Sacrament is actually received," etc. Therefore pain that is perfectly from charity justifies the sinner before the reception of the Sacrament. However, adversaries read contrition as not perfect charity, but as perfect charity itself, from which they infer that the Council is speaking of intense charity. But I and Petroc. We read Frassen and Lugo in many exemplars as caritate perfectam. And thus truly it does not seem to be similar in reading, for this properly regards perfection not charity, but contrition, since the Council divides contrition into perfect and imperfect according as the reader sees.

But it does not follow that this perfect contrition would be directed at charity, because the Council requires intense charity for justification outside of the Sacrament; for even though dominant charity, although

remitted, is still perfect charity, albeit a more intense perfection; for the perfection or imperfection of charity, as well said on page 74, is not taken from intensity or remission, but from the reason whence it arises: hence perfect charity arises from the motive of divine goodness, whereas imperfect charity arises from the motive of good to be obtained from God. Therefore, if the Council had said "caritas" and not "caritate," it would undoubtedly have denoted perfect charity for the distinction of imperfect or inchoate charity, which (as we shall say below) does not reach to charity actuated by divine love. VI. TRACT. Fourth. OF PENANCE.

CHAP. I. praedominantem. Hence, the Faculty condemned on page 95 this proposition: "Through contrition, without the real use of the Sacrament, sin is not remitted outside the case of Martyrdom or necessity." Item Clerus Gallicanus in Comitiis Generalibus anno 1700 (apud eosd. Tourn. pag. 502) declared: "These two things are to be both warned against and taught from the Sacred Synod of Trent: first, that no one think it necessary in the Sacrament to require a previous contrition which is perfect charity, and which, before being received, reconciles man with God." Moreover, the same Faculty in Paris noted the censure of a book by Claudius Suzzonius in the year 1638, saying: "That which the Author teaches concerning the insufficiency of attrition and the necessity of contrition from perfect charity for receiving the Sacrament of Penance; and that which he adds regarding absolution, namely, that it is nothing other than a declaration of a sin already remitted, the Faculty condemned, and judged those propositions to be contrary to the practice of the Church, immune to the efficacy of the Sacrament of Penance, and furthermore temerarious and erroneous. » Ut autem total 102. praedictus Auctor non jam loquebatur de contritione intensa, sed tantum de remissa ex motivo caritatis, cum hanc distinguebat a dolore ex motivo gehennae.

Because every contrition erases sins, it is proven that the act of contrition is a formal act of charity toward God, either intrinsically connected to charity, as commonly taught by number 13 with St. Bonaventure. I say, page 2, note 727, with Lugo, Aversa, Bosco, and Gorm. On page 85, question 6, and on page 86, question 3, article 3. It does not seem that this can be doubted; for P. Frassen, in his tome 10, page 534, speaking peripherally, says that in essence contrition is not an imperfection of charity, since both tend towards God, but in a different manner: charity tends towards God as the mode of attainment of the highest Good; whereas contrition does so through the mode of avoidance, inasmuch as man detests sin as the greatest evil, being opposed to God. Charitas tendit immediate in Deum, et mediata in odium peccati; contritio autem immediate in odium peccati, et mediata in amorem Dei. Wherefore concludes that contrition is an act formal of charity, since on account of

God's love man hates sin. Furthermore, since contrition arises solely from a motive of charity, contrition cannot exist unless preceded and simultaneously coexistent with charity; for contrition is nothing other than pain over sin, as an offense against the supreme beloved God; hence whoever is wounded must necessarily exercise, even if not reflexively, the act of charity, and thus St. Thomas in the Third Part, Question 85, Article 6, said: "The act and habit of charity are simultaneous with the act and habit of contrition."

Therefore, given that contrition is also true charity, either necessarily connected with charity, it must also be necessary to say that it remits sin. It is less clearly apparent from Divine Scriptures that he who loves God is already a partaker of the friendship of God, as stated in Proverbs 8. I who love, He loves me. John 14. He who loves Me, will be loved by My Father. 1. Of Peter 4.

Charitas覆写请求 Joan. 4. Every one who loves is born of God. Hence D. Augustine, (translating g. in Joan.), said: "Fear is a medicine for the mind, charity is health." And 1. 1. against 2. Letter.

Charitas facit filium Dei. Moreover Sermon 35: Of God you do not see Him, love Him, and possess Him. And transposing generally in John, acting from charity he says: "When a man begins to have, then the Holy Spirit will have." » S. » And more openly this is taught by St. Thomas 2. 2. q. 45. art. 4. where he says: « Charity cannot be with mortal sin. » And it is evident that the Holy Doctor does not speak here of intense charity, but solely of predominant charity, because himself in question 24, article 12, to which he refers, says: "Every act of mortal sin is contrary to charity according to its primary reason, which consists in this, that God must be loved above all." Whereby P. Concina improperly says that the Saintly Doctor understands that such intense charity cannot be with sin, saying in Article 3 of St. Thomas: « Love can be so remitted that it does not suffice to constitute the » measure of charity. »

For it is answered that here; if indeed it suffices for the reason of charity, which consists in loving God above all things (as the Doctor explained in question 24, article 12, where he said: "Every act of mortal sin contravenes charity according to its primary reason, which consists in this, that God is to be loved above all"), then however much it may be remitted, it is true charity, and this he says cannot exist with mortal sin. And the reason is evident, because any aversion to God as to the last end, even in a remitted degree, suffices to lose God's friendship; whereas any true conversion suffices to recover it; from this: "Convert yourselves to me, and I will convert to you." » Zach. 1. And further: "The impiety of the impious shall

not harm him, in whatever day he turn." » Ezech. 33. Whereupon Bellarminus 1. 4. 347 says: « The act of love of God opposes sin above all things and expels it effectively; hence without a miracle sin cannot remain after the act of love of God above all things. »

This is clearly confirmed by Propositio 3 a Michaelis Baii, drama authored by Gregory XIII, which stated: "That charity, which is plenitude of the law, is not always conjoined with the remission of sins." It is certain among all, that charity required to fulfill the law ought not to be intense, but suffices if it tends to love God above all things. For whatever may be said in book 6, part 333, requiring intense charity to fulfill the precept of love, "Love the Lord your God with all your heart," etc., it is commonly held by Theologians otherwise than D. Thomas 2. 2. q. 44. art. 8. ad 2, who explaining how this should be understood says: "When it is commanded that we love God with all our heart, it is to be understood that we must love God above all things." » And in the same place, question 24, note 8, it is said: « For true charity » it suffices that man habitually places his whole heart in God, in such a way that he neither thinks nor wills anything contrary to Divine affection; and this perfection belongs to all who possess charity. Therefore, the perfection of charity consists in this, that man love God above all things, and will nothing contrary to divine affection; as is evident from that [text]. Joann. 2. 5. « Qui servat verbum Christi (scilicet legem implet), vere in hoc caritas Dei perfecta est.

Hence it is certain that charity, although remissive, predominates in fulfilling the law, as commonly with St. Thomas above is taught, 4 n. 7 c. 3 et 5. Bonaventura de primo praecipio, doctor tertius, quaestio quarta, treatise primus, nota secunda cum Valerio et pagina sextaetrecenta et triginta duo v. I distinguish: let it be that very thing is contrary to the sufficiency of attrition; yet this does not negate the fact, namely, that remiss charity may suffice for the fulfillment of a precept, provided that it be praedominant; since there is no precept concerning the intensity of charity; otherwise God would command an impossibility, since it is not within our power to have intense charity; unless you wish to say as Continuates. Turninely, Tom. 3. p. 271. vers. Before, and more clearly, p. 273, verse. Neither he who has love of God prevailing possesses necessarily also a prevailing love that is intense (rational, not now sensitive) prevailing, which sufficiently suffices to fulfill the precept.

But if the intensity of love is understood in this way, the question is merely one of name. Contrairement à cela, celui qui a l'amour charitable dominante par l'appétit certes remplit le précepte. And this charity Baius said could be conjoined with sin, and this was condemned. He said, namely Baius: "That charity which is the plenitude of the law is not always

conjoined with the remission of sins." Therefore, as my most illustrious and learned Bishop Tornus rightly says, the opposite proposition must be held: namely, "That charity which fulfills the law is always conjunct with the remission of sins." » Nor does it hinder saying that the proposition was proscribed with regard to habitual charity, namely when one is in grace, and not with regard to actual charity: for Lugo responds well on day 5, note 101, that Baius was speaking of charity which is the plenitude of the law, of which the Apostle speaks in Romans 13.

Hence there is no doubt that Baius spoke not of the habit of charity, or of justifying grace, but of the act of love; for the law is not fulfilled by mere habit, but by an act, since the law does not prescribe a habit, but the act of charity, as the doctors commonly say; because a habit does not fall under a precept, and precepts are not fulfilled except through acts. This is confirmed from proposition 70 of his own condemnation of Baius, which said: "A man existing in mortal sin... can have true charity; and perfect charity can also consist with the penalty of eternal damnation." Therefore Baius here distinguished between true charity and perfect charity; by this he also understood intense charity diligently added even as perfect (novae sedulo illud additum etiam). And through this he meant remitted charity which undoubtedly is true charity, since greater or lesser does not vary the species; both parts of the proposition are condemned. I know not how to respond to these. From all these things collected it is evident the opposite sentiment, which says that contrition with remitted charity does not justify outside of the sacrament, to be altogether improbable and false; hence Lugo in d. 5, n. 99, rejects it commonly among all theologians, indeed at n. 113 Coninck calls it erroneous, Vasquez against the Catholic sentiment, Alphonsus Curiel not sufficiently safe in faith, others however temerarious and scandalous: temerarious because in a most serious matter it departs from all theologians and common sense of the SS. Fathers; scandalous, because it removes men from frequently sought-after contrition.

And thus Gonet d. 3. n. 27. attests that Silvius, although he had previously defended the opposite opinion, nevertheless later retracted: "Inasmuch as (says Gon.) such a doctrine openly contradicts various Scripture and councils, and the holy fathers." Fathers' testimonies. They, however, object against our opinion regarding the sufficiency of attrition: A sinner turned away from God cannot be converted to God except through formal and actual charity. Response: This if—indeed—it requires something outside the sacrament; and the reason is that, congruent through sin, which is an actual contempt of God, a man is turned away from God by love itself, so that he should turn to God through actual love. Another thing must be said concerning the remission of sins within the sacrament; for since the sacrament has the power to remove sin, and this can occur only through

the infusion of grace, which is itself habitual charity, it suffices for obtaining grace so that the sinner may be disposed to receive the sacrament by a virtue which, without actual charity, turns man toward God as he would turn outside the sacrament through charity. And thus it is understood how the sinner from attrition becomes contrite, namely, because he is made equivalent to one who is contritely converted by the virtue of the keys, as our adversaries commonly say according to St. Thomas in the cited passage.

Quodl. 4. art. 1. ubi docuit: « Aliqui non perfecte contriti virtute clavium gratiam contritionis consequuntur. » They object II. He who grieves over sin on account of the punishment, hates the punishment more than the sin; hence, if he does not have charity, he cannot obtain the grace of God. It is replied by distinguishing: He who more intensely hated the punishment than the guilt did so out of servile fear, such that he would have wished to sin if he were not to be punished; this person not only would not elicit an act of good, but positively would commit evil, because he would not exclude from his pain the will to sin. Whoever however hates culpability on account of punishment, and entirely excluding the will to sin, feels himself offended by God out of fear of hell, this one already elicits an act of goodness, which arises from ordered charity towards oneself (as declared by Trent, and confirmed by Alexander VIII by condemning proposition 16, which said: "Attrition conceived through fear of hell's and punishment's pain without the love of Divine benevolence for its own sake is not a good and supernatural impulse"); and idea 238 LIB. VI.

TREATISE. Fourth. OF PENANCE. CAP. I. It is now disposed to receive grace in the sacrament to be obtained. They object III. To any justification at all, absolutely a principle of love is required; as it was declared in c. 6, where he said that sinners, while being disposed for justification, are "to be considered as loving God... as the source of all justice," and consequently are moved against sins through hatred and detestation thereof.

It is replied: We do not deny that an initiation of love is required for justification; nor do we deny that this is also required in the sacraments of the dead, since the council there speaks especially of justification through baptism. But what kind of love, I beg you, does the council require? Is it perhaps perfect charity? Or is it rather only the beginning of charity? It refers to turning back what Palladius attests. His 8. c. 13. namquidquid certe aliqui patres concilii vice dilectionis incipiunt contenderunt ut adderetur per actum caritatis: sed hoc concilium restituit et confirmavit ut poneretur tantum dilectionem incipientes. Why did it restore this? Unless because it judged that an act of perfect charity is not required for

justification in baptism ('or in the sacrament of penance, for these sacraments proceed pari passu).

This however is the beginning of love, as well Gamm teaches in the third part on Frassen ten p. 563, question two. Petrocorens. tom 4. pag. 114. quæst. 3. et Toùrn. præl. Theol. tom. 9. p. 126. It is already found in attrition, which we have described above: first, through the fear of divine vengeance, according to that which is said in Eccles. 25. 16. Fear of God is the beginning of His love. Secondly, through hope of forgiveness, since in the aforementioned Tridentine text it is stated that those who begin to love God as the source of all justice, namely as the author of every justification, dispose themselves well for grace. Thirdly, through hope of eternal beatitude, as D. Thomas teaches in I. 2. q. 40. art. 7., speaking about theological hope, he says that it is indeed the beginning of love toward God, using these words: "From this... because we hope for some good through someone" we are moved to him, conforming ourselves to our own good; and thus we begin to love him.

Whereupon the same holy doctor says in 2. 2. Question 7. art. 8.: "Perfect love is that whereby one is loved according to himself... imperfect love is that whereby one loves something... but so that some good may thereby accrue to himself." » These things (as the aforementioned Fathers and others say) necessarily include attrition, inasmuch as he who with those and with hope of forgiveness accedes to the sacrament begins to love God as his liberator, justification, and glorifier. Nor does it hinder to say that he who loves God for His own good loves himself, not God; for Saint Francis de Sales wisely responds in the chapter on Love of God, saying that if anyone loved God for His own good, and thus his affection were such that if from God he hoped for nothing, he would in no way love Him; this man would certainly sin, because he would positively exclude charity; then he would not turn to God but rather more truly turn away from Him, since he had perverted God to himself as the ultimate end. Qui vero amat Deum tanquam sibi summum bonum, et excludit omnem voluntatem petendi, tunc elicit actum bonum supernaturalem; et licet non habeat caritatem perfectam, illam tamen non excludit, eamque jam incipit habere, et aliquo modo ad Deum se convertit. However, who will deny that it is altogether expedient that penitents strive with their powers to elicit an act of perfect contrition, and that confessors should always endeavor to excite them to this, so that they may more securely obtain grace? But our opinion is that it would be advisable for one who approaches with mere attrition not to be withdrawn from this sacrament, and the confessor not to reject him as unsuitable. 443. — It is asked whether in confession attrition on account of temporal punishments inflicted according to n. 137 suffices.

Suares distinguens septimus, secunda secundae, quindicesima numerata. Anacl. num. 42. Vioa in proposit. 15 Alexander VIII. n. 12. qui cum Gob. vocat moraliter certam; item Gran. qui vocat probabilissimam. Reason, because in c. 4 among the motives for attrition sufficient to sacrament it says from fear of hell and punishments: where by "hell" is understood eternal punishment, and by "punishments" temporal punishment seems to be understood; since there the council brings forward an example of penitence of Nimitar, which was conceived out of fear of her own city's ruin; for God threatens eternal punishments accordingly, so too temporal ones to be avoided by sinners. The second opinion denies this, and such is held by Concin. page 236, note 11. Likewise dog translated chapter 9, resolution 51.

And Cardenas in the proposal 1 Innoc. XI. n. 72. doubts whether the first sentiment is morally certain. Reason, because although Trent says from fear of hell and punishments, yet it does not distinguish between hell or punishments; hence it probably sets both equally; for since the punishment of a mortal sin is eternal, one who repents of an eternal evil ought to fear it. The first judgment seems more probable; for hell embraces all eternal punishments, and thus, speaking of punishments, something other than eternal punishment must be understood besides the eternal penalty. Since the second opinion lacks its own probability, even extrinsically, I think it safer to adhere to it in practice. 444. — It is asked whether a valid and informative penance sacrament can be given. It would be a case if someone had committed two mortal sins, one of theft, the other perjury; then remembering only the theft itself he confessed it alone, sorrowing not from a universal motive but from a special motive of supernatural turpitude which belongs to theft; it is asked whether here, although grace is not received, nevertheless a valid confession is made so that when the obstacle is removed, namely by detesting the sin and forgetting it, the sacrament may revive for causing grace, and thereafter there be no obligation to repeat the confessed sin, but only the omission.

The first opinion denies, and this is held by them. 82. Concerning page 351. Felix cum Scoto, cum Bosco, Sporer, Mastrio, Gallensis, et Scotistis. Commonly likewise 672. From these, however, some (as the Ratio states, because when one who repents grieves in order to recover divine friendship, although he grieves out of a special motive of shame from theft, nevertheless his grief virtually extends to all mortal sins forgotten, as being opposed to reconciliation with God intended; and therefore, if he grieves over a specific turpitude, he should also grieve over the generic one, which impedes such a reconciliation.) Others conversely (as Ratio states, because in c. 5 it is held that pain be said to be a part of this sacrament insofar as it works the remission of sins; therefore, if that

particular pain does not cause the remission, there will never be matter apt for the sacrament, and thus the sacrament will always be invalid.)

The second opinion is more probable and this is held by Lugo, Distinction 14, number 65, section 20, article 4, note 26, also Tolet. Val. etc., cum Croix d. n. 672. ac Gonet. d. 10. art. 1. cum aliis Thomist. communissime, ex I et in IV, dist. 17, q. 3, art. 4, Question 1, cujus verba retulimus n. 87. Ibi enim AA. dicunt talem poenitentem non consequi gratiam, quia ex una parte unum peccatum mortale non potest remitti sine alio; et ex altera parte, cum peccator doleat tantum ex motivo particularis turpitudinis furti, non potest obtinere remissionem perjuri, cujus non meminit nec dolet. They nevertheless say that this kind of sacrament is valid, because no essential part is lacking for validity: neither confession, when it is made complete with regard to their confessed sins which come to memory; nor sorrow, since sorrow already exists concerning the confessed sin; nor absolution, as it is supposed; hence nothing prevents such a sacrament from being called valid. As for the first reason, it is answered that that virtual pain, which is supposed in regard to the forgotten perjury (included in that specific detestation of the confessed theft), is not sufficient matter for the sacrament, since then it is never made sensible either by confession or otherwise. Regarding the second reason, it should be responded that the council speaks of what happens by itself and ordinarily, not of what happens by accident and rarely.

Moreover, it is always consulted that a sorrow be elicited from a general reason; nay, it is necessary, in the case where a man perceives himself able to have other mortals obliterated in his soul. 445. — Question IX. Debetne praecedere actus doloris non solum absolutionem, sed etiam confessionem? The first opinion affirms this, and such is held by nos. 31, no. 11, item 232, no. 3. Reasoning, firstly because sorrow as the material of this Sacrament ought to be sensible; and hence it is rendered sensible only through Confession; therefore, if Confession follows, it is not apt matter, firstly because Confession should not be a simple narration, but a sorrowful accusation directly aimed at obtaining the remission of sin, and thus it must be informed by sorrow. The second however opinion more commonly negates this, and those who hold it are found in section 4, numbers 3 and 20, numbers 18. Lugo, Distinction 15, Note 13, Note 22, Item Dic. ; Major, Henry, Chapter 5, Note 24, and de Sacramentis.

Panitius saying: "After hearing the Confession (the Confessor) will endeavor to bring efficacious words to the pain." From this it appears that the Rituale supposes that the pain elicited after Confession is sufficient. But rightly do they say 6 de n. 26., that this second sentiment, in the sense which Suarez and Dicastillus explain it, does not differ from the first; for

Laymann, Coninclius, and Palaus demand nothing else than that confession should not be a mere narration of sins, but an accusation of oneself for the purpose of obtaining absolution. According to Laymann, whom Palaus follows: "Requiring that some manner of sorrow precede Confession is understood, because external confession of sins should proceed from internal penitence and signify it; for indeed the matter of the Sacrament is not merely an explanation of one's sins, but an accusation against oneself intended for absolution, as Coninchius explains." Then Laymann himself, following Suarez and Palaus, adds: "For this reason (namely, that Confession be sacramental), it is necessary that after the narration of sins, a certain sign of the sorrow of the soul be expressed somehow by means of some token, at least by humbling oneself before the Priest and seeking or expecting absolution; for such a sign relates to the sins just previously explained as having the true rationale of a sacramental accusation." Therefore these sentiments are not two, but one; inasmuch as Laymann and others require that Confession be dolorous, or that pain precede Confession, in so far as they ask that Confession not merely be a narration of sins, but have the reason of a sacramental accusation; and this is sufficient if Confession becomes an exercise of the soul seeking absolution, and then pain is manifested at least through petition or expectation of absolution; thus indeed Confession attains to being well sacramentalized. Salmanticenses vero addunt, quod tantum ad sedandos scrupulos solent Confessionis, si de interna dispositione penitentis dubitent, excitare illum ad dolendum de peccatis paulò ante explicatis, quod fit si dicatur: « De peccatis narratis doleo, et me accus ». 446. — Quæritur X.

By how much space of time does the act of moral sorrow endure, so as to be validly received in the Sacrament? Sect. 4. num. 29. et Escob. lib. 14. num. 121. with Soto, Hurt. et Candido, hold that sorrow suffices which has preceded Confession for a long time, provided it is not retracted. But these are not approved justly by the PP. Concilium, p. 233, n. 4. Others, however, as Innoc. Eleventh page, sixty-fifth number, eighty-eight. And Diana, part five, treatise fourteen. R. 67. When Praep. and Gran. say that a preceding pain suffices for one day if it has been elicited in relation to Confession: for since Confession is the effect of that pain, the pain virtually persists. Consents the question 2.

R. 2. etiamsi dolor praecesserit per aliquot dies, dummodo (ut hic auctor ait) virtualiter perseveret in aliquibus me. LIE. VI. TREATISE. Fourth. OF PENANCE.

CAP.: J. of God, suppose that a penitent who has remained in frequent prayer, avoidance of occasions, penances, etc., from the force of the pain conceived, should afterward, through notable delay, turn his mind to other

things; in practice, briefly, the pain ought to be renewed. This, however, seems more like a counsel to be followed than a precept, since the Doctors with Pope Pius commonly teach that there should be some analogy between the civil forum and the sacramental; hence it is fitting that there be some interval between the discussion of the cause and the sentence, but not so great an interval as in the civil forum. 447. — Question XI. Whether, in order that pain may be a fitting material cause, it should be elicited with the intention of Confession? They deny Lugo, dist. 14, n. 37; likewise Sporer, Moya, n. 2; and it is held probable . 1. c. 2. The reason is, firstly, because according to chapter 4 that attrition is said to dispose for obtaining grace in the Sacrament, which excludes the will to sin with hope of forgiveness; all of which are verified in our case. Then because at that time pain might not have been ordered with respect to Confession in terms of antecedent relation, it is nevertheless ordered in terms of consequent relation, insofar as at that time the pain of confessing is still being verified.

They affirm however, part. 2. n. 17. Conc. loc. cit. (citantur etiam pro hac sententia P. Suarez dist. 20. sect. 4. n. 29. But Lugo, in the aforementioned location, demonstrates that the reason why a minister, or even one who receives other Sacraments, ought to intend the matter for the Sacrament according to his office, just as ablution is intended for Baptism, and contact with the material for Ordination, so too must he who receives the Sacrament of Penance intend the sorrow, which is the matter of this Sacrament. The first opinion is more probable; but since the second is also probable, before reception of the Sacrament Innocent teaches more safely. XII This one should be followed. 448. — It is asked: XII Whether, if someone immediately after absolution confesses a sin forgotten, he ought to elicit anew the pain? The first opinion is more common and denies this; Lugo in dist. 14, n. 27, 3rd article, n. 8 holds this, as does Perez in question 3, which calls it morally certain, n. 75, considering it most probable; while Moya says that it is indubitably held by all, but improperly, as we shall see.

Reason, because the prior pain extends also to forgotten sins, which when the penitent immediately confesses, become one morally; rightly indeed does the Sacrament constitute partial matters from proximate one material, hence it is congruent that with one water many Baptisms can be made, just as with one pain (as this supposes) that still persists, many can be constituted of the Sacraments of Penance. The second opinion, however, affirms this, and those maintain it in n. 1, art. 3, dub. 5, n. 10. Fill. tr. 6. n. 77. Reason, because through the first absolution the judgment is already completed; therefore, if a new absolution is to be imparted, new proximate matter is required. And although pain itself morally persists, nevertheless it does not persist with regard to the second absolution; for as

we have said above in the preceding Question. X, probabiliter ad valorem Sacramenti requiritur ut dolor non solum sit elicitus, sed etiam elicitus in ordine ad absolutionem.

Since therefore this second opinion is probable, nay more probable, to be followed in practice, say Croix n. 712 and Concilium p. 234 n. 5; at least I deem it safer to consider it as worthy of fear. 449 — How should the pain for venial sins be elicited in Confession? It is certain that although outside the Sacrament "it suffices for the remission of sin some movement of grace or charity," as it is taught in p. q. 87. art. 2, nevertheless within the Sacrament formal sorrow is absolutely required, and not merely virtual sorrow, as commonly taught by the Doctors with Roncaglia c. 2. q. 2. n. 6. and Croix n. 682. (against a few), from where it is written; "No one can pass away from any sin, great or small, to correction without sorrow." "However, there is doubt whether it is mortal to confess venials without any pain." Natalis denies [the proposition] in regulation 20, page mihi 69. Juænin. de Sacram. in §. 2. et Genettus t. 4. q. 8. infra pag. 81, et dicunt non esse nisi veniale suscipere Sacramentum sine certo dolore, quando materia tantùm levis affertur in Confessione, et abest animus profanandi Sacra- mentum; quia ut supponunt, frustrare Sacramentum in materia levi, non est nisi levis irreverentia. But although I endeavored to acquiesce in this opinion, I was unable to do so, since this judgment is opposed to the common opinion of Theologians, as can be seen with Croix number 681.

Antoine p. 501. q. 7. et Lugo dist. 14. sect. 8. ex n. 108. qui primam sententiam omnino falsam vocat; et ratio nimis urgit, nam tota malitia culpæ in hoc casu consistit in injuria quæ irrogatur Sacramento, illud suo effectu frustrando, sive ergo Sacramentum frustretur ex materia gravi, sive ex levi, nihil referre potest, quia semper eadem irreverentia Sacramento infertur. It is doubted whether in the confession of venial sins it suffices to grieve over one sin without another? Some deny among section 6, note 7. But it must be held contrary to the common opinion, which Suarez teaches in loco citato n. 7. Antoine p. 501. q. 7. Lugo dist. 14. num. 118. with Henry and Fagundes and Escobar l. 14. n. 166. with Hurtado and Diana.

Hence, it is sufficient to grieve over one merely venial sin and to propose amendment thereof when venials are not a necessary matter, but only a sufficient one. They say however Lugo from n. 133. 1 c. 3 n. q et 10. . And it seems to favor p. q. 87. art. ad 1. where it says that sufficiency lies in "the purpose of preparing oneself for venial sins" to be diminished. Therefore, it is sufficient the pain from their multitude; for the purpose of expressing sorrow follows the pain. They nevertheless contradict Arrigaya and d. ovBACT. I V. Depequitertiacap.

I. 1. aug. 1. c. dicemesdamemetpropositumnontan - 1. n. asecircamultitudinumemendametnonetiamalialiqua. quarfrequentiamconstitunt. But the sentence - 1 - is not to be interpreted as a process of reparation, since it is impossible to lament - 1 - 2 - the leap from lesser to greater guilt, - 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 0 - a - b - c - d - e - f - g - h - i - j - k - l - m - n - o - p - q - r - s - t - u - v - w - x - y - z - \ -] - ## §. II. ## 1 - questions pertinent to the proposition. 1. In the Sacrament of Penance, three parts suffice, namely contrition, confession, and satisfaction; hence, if a formal purpose were also required, there would be four parts rather than three. For P. Concina responds well that contrition consists of two things, namely, sorrow and an explicit purpose. Tamen sic procedit si penitens nihil cogitet de futuro; puta si quis sit in fine vitae constitutus; nam verum est quod in quocunque dolore necessario continetur propositum, et patet quod effectiva est idem nee praeterita nec expressa. These two final opinions are indeed more probable; but because the first does not lack its probability, it is safer to follow it in practice before the deed, as rightly say Bon.

Cross loc. cit. I say before the fact, for Cross says in n. 680. . 65. Eibel de Penit. pag. 216. n. 84. cum Bellarm. Henry says: Si vero cum vere dolente et sine formalis confessoris proposito confessus fueris bona fide, non repelletur Confessio; quia, esto communius, non licet Sacramentum suscipere cum opinione quae non sit moraliter certa, ne Sacramentum exponatur periculo frustrandi; tamen non repellitur repetitio Confessionis si jam probabiliter validus es confessus, cum praefatum periculum tum non amplius adsit. Nevertheless, I am also unable to assent to this opinion; for the reason is that when the first opinion is sufficiently probable, a penitent who has committed a grave and certain sin is bound to make Confession thereof, not merely probabilistically but also certainly validly. 481. — Question II. What are the necessary conditions required for a purpose? Hoc ante omnia advertendum est quod sit rem valde difficilem quod peccatores frequenter ex consuetudine in mortalia labentes cum vero proposito ad confessionem accedant; quapropter in hoc Confessarius sedulo incumbere debeat, maxime si Poenitens alicui vitio magnam habuerit adhaesionem.

Tres autem sunt conditiones veri propitiatus, scilicet ut sit firmum, universale, et efficax. I. A firm purpose imports that the penitent have a most deliberate will altogether to avoid recidivism, and be so disposed in spirit as to neither desire any evil out of fear nor any good with the intention to sin in the future. But this doubt arises: whether it can be prudently believed that a penitent who asserts that he will no longer relapse has a firm purpose to avoid recidivism, yet is certain that he will relapse? The first sentiment affirms, and this is held by numbers 18 and 8. (who assert the common opinion) number 8. Sporer p. 204. n. 310. 2. n.

15. item Vega, Dic. apud n. 53.

Reason, because the purpose of the will's not relapsing can possibly agree with the judgment of the intellect concerning a future lapse from known weakness. But I think that the opinion to be absolutely followed in peace with so many DD. is opposed to the sentiment held by the Concilium on page 255, n. 3, and by Croix, l. 6, part. 2, n. 1822, v. Objection. I do not deny that, speaking speculatively, a firm purpose of the will could well consist with a relapse in knowledge; but when someone certainly believes himself to have relapsed, he practically supplies a certain suspicion to his purpose of will or intention which is unnecessary; for it is impossible that anyone propose to amend himself, knowing that God's assisting grace which he does not deny him is insufficient in some measure and yet confidently believe that through this lack he will assuredly be led back into sin. Underneath the cross, in the first chapter, it is said that such a penitent should be disposed beforehand, so that he may hope, not relying on his own strength, but through the help of God and from captivity freed by grace. But otherwise it must be spoken thus: if he fears his past fragility and relapse; commonly do the Fathers say in chapter 3, number 1, with Nao.

Croix lib. 6. p. 2. n. 1 7 3 3, et alii, quod ad serium propositum non requiritur ut creatururn nullus reapsecturus, sed satis esset ensuncadesseriam voluntatem non relabendi; nam bene potest consistere voluntas resipiscendicu mtimore lapsûsex mutatione voluntatis. Gerson, in his treatise tract 8 on the part Magnif., chapter 3, correctly says: "If one asks a confessed sinner: 'Do you believe that you will never fall into such sin?' then he should respond, 'I am frail and fearful of falling, not so much because I do not wish it' nunca sum; but rather I commend myself to the mercy of God, praying that He may watch over me from sin; for as my weakness has fallen, I pray, that I may rise again." "II." It is required that the purpose be universal concerning mortal sins; whatever Arsenius and Dictas say. Hurtad, et Pla-tell. ap. Croix n. 808, affirmantes quod sufficit congruent dolor particularis modo excludat voluntatem positivam peccandi; tamen omnino habendum est contrarium cum sententia communi quam docent n. 20 et n. 16.

Lugo distinguishes chapter 14, note 52. Concina p. 259. n. 10. Mazzotta tom. 7. pag. 343. et Croix l. cit. cum Escob. et aliis passim, ex I. P. Q. 87. art. 1. ad 1. ubi ait: « Poenitentia de peccatis mortalibus requirit, quod homo proponat abstinere ab omnibus et singulis. » The reason is that although particular sorrow, for instance, if conceived from a special turpitude (as we said in n. 443) of some crime, suffices for the value of Confession, since sorrow regards only the sins committed which the

penitent should detest; nevertheless, the particular purpose is not sufficient, because each one is bound to have both an absolute and a positive will to avoid all mortal things. Wherein the Council of Trent, session 14, chapter 4, speaking in general about contrition, says that it is the sorrow and detestation of the soul concerning a committed sin, not all sins; but when speaking of the purpose, it says with a purpose not to sin henceforth; yet the particle "non" does not truly signify a universal purpose of avoiding all mortal sins. It is otherwise concerning venial sins; for in these it suffices (as it teaches the same chapter) that the penitent propose to abstain from some particular sin, without proposing to abstain from all sins.

III. It is required that the purpose be efficacious, that is, apt to effect what is proposed; and therefore it is necessary that the penitent not merely propose to avoid sin, but also employ means to avoid sin, and notably proximate occasions of sinning, concerning CONTRITION. DOUBT. II. 447 commonly teach the Doctors. See Sporer p. 205. a. 313. Not always is it true that a purpose is efficacious solely when what is proposed is brought about; otherwise, every time a penitent would recede, he would have to immediately repeat the Confessions; a relapse does not always signify an infirm purpose, but rather more often only signifies a changed will; for it can very well happen that one may truly have love of God predominant and a firm purpose never to sin, and yet immediately sin, as Peter truly proposed rather to die than to deny Christ, and yet denied at the first call of the maid.

That is indeed confirmed by St. Gregory (Homily 30 in Exodus), who said: "In the hearts of some, God comes and does not establish a dwelling-place....; to perpetrate sins they return, as if these had minimally grieved them." It is confirmed from the Roman Ritual where it is said: "In peccata facile recidentibus, utilissimum fuerit consulere ut saepe, puta semel in mense, vel certis diebus solemnibus, confiteantur, et si expediat, communicent." The principal efficacy of the purpose (as we have already stated above) consists either in removing nearby occasions of sinning, or in employing due means as a medium, so that they themselves, if necessary, may become remote from proximities. Wherefore it is diligently to be considered concerning these matters. 482. — Question III. How he should conduct himself the Confessor with those who are in the occasion of sinning? And herein there is doubt.

How manyfold is the occasion, and how manyfold the danger of sinning? The occasion is distinguished i. into proximate and remote. The remote occasion is that in which men, constituted regularly, sin as little as possible. However, with regard to the proximate occasion, others, as stated

in no. 14. Bonaventurae paginae 14. n. 11. n. 9. n. 13. et definiunt esse illam occasione, in qua credit poenitens nunquam vel raro à peccato abstinere. But this being defined is not pleasing; rather it should be said according to what was mentioned in the aforementioned reference 8, number 1.

Lugo d. 14. n. 149. . 32. s. 2. num. 4. 2. p. 255. Wigandt translated chapter 5, note 50. Cross book 5. number 252. question 3. article 4. number 5. P. Segneri, Confessio instructionum, caput 5., et quaestio 1. R. i. quod occasio proxima per se est illa, in qua homines communiter ut plurimum peccant: proxima autem per accidens, sive respectiva est illa, quæ licet per se respectu aliorum non sit proxima, tamen respectu alicujus est proxima; vel quia hic in illa occasione etsi non ferè semper, nec frequentius, frequenter tamen cecidit; vel quia spectata ejus præterita fragilitate prudenter timetur ipsius lapsùs. Wherefore perniciously they say n. 17, n. 150, and n. 3, art. 4, n. 5, with others, that adolescents are not in a proximate occasion when they sin by consent, words, or taunts while laboring with women; because (as they say) they do not frequently sin in such occasions; for, as we said, to constitute a proximate occasion it suffices that the man frequently falls into it.

Notandum verò, quòd aliquando occasio, que respectu aliorum communiter est proxima, respectu homi- nis valde pii et cauti poterit esse remota, ut bene advertunt Holm. et Croix l. c. Distinguitur 2. occasio in voluntariam et necessariam. Voluntaria est quae facile dimitti potest: necessaria, quae physice, vel moraliter non potest aboliri. The proximate danger is another in formal, another in material. Formal is that which is proximately connected with sin, so that man constituted thereby will probably commit sin, or consent to sin; and this danger should always be avoided. This must, however, be understood (as Croix rightly points out in l. 5, n. 254), namely, that if the danger is consent, and not merely of simple temptation or movements. Truly material is that which is not proximately connected with sin, but only remotely by reason of necessity and means, which a man employs to avoid sinning; hence it happens then that the occasion will be proximate in itself, while the danger will be remote: as may occur in a surgeon who, in treating the secret parts of a girl, would indeed find himself in an occasion proximate to sinning, but by reason of necessity and duty, if he makes use of due precautions of pious thoughts, prayers, protestations of non-consent, and good works, can with divine assistance of grace well be excused from guilt; because then the danger becomes remote and material.

See Croix l. 5. n. 254. From the aforementioned it is inferred that he is in a proximate occasion who retains a woman at home with whom he has often

sinned. And hence it must be noted that if anyone does not have a woman with whom he has sinned and who is under his control at his disposal, but always sins with her and accedes to her house, then access to such a place will be in proximate occasion whenever he goes there, even though he may do so only once a year and commit the sin. Qui in ludo frequenter labitur in blasphemias, vel fraudes. He who in some house, tavern, or lodging sinks into intoxication, brawls, lewd words, or lewd gestures. Such dissolute persons are not to be regularly absolved until they have first abandoned the opportunity.

Likewise, they cannot be absolved who, although do not sin in occasion, yet cause scandal to others, as commonly taught by Palaus tr. 2, dist. 2, part. 9, n. 19. Bon de part. 14. n. 12. et n. 62. cum Nao. 5. n. 269. et Tourn. tom. 2. p. 257. cum Cabass. quod, cum occasio externa conjungatur cum passionem aut tentationem vehementem, vel habitu vitioso, vel fortissimam tentatione, peccat qui eam non reliquit, etsi necdum cessavit tentatio; quia raro accidet, ut talis se continerit, si ab occasione non separatur; unde ait Tourn. quod ancilla vivide sollicitata a hero tenetur ab illius domo discedere; qui enim libere commoratur ubi tam periculosè ad malum allicitur, non potest rationabiliter sperare victoriam tentationis, nisi auxiliis gratiae extraordinariis quae sperari sine temeritate nequeunt a eo qui liberè periculum vitare potest et non vitat. These things, however, are to be understood thus: if such a person is weak and little devoted; for if she were given to piety, and cautious, and would apply appropriate remedies opportunely against temptations and obstacles to passion, then I would not restrain her from exposing herself to occasions of temptation. He says however in q. 8 that absolution should not be denied to a youth and a maiden who for some time have privately inclined their minds towards contracting marriage; for no one (he says) is bound to take a person unknown, but he can experience by some time with whom the other is endowed with what virtues. This assertion, speaking philosophically, seems reasonable; but from experience I would scarcely permit the sponsus once or twice to enter the house of the sponsa, or the sponsa herself or her parents to receive him in their home; for rarely is one found who does not sin in such an entrance, at least in words or thoughts, since all looks and conversations between such spouses are incentives to sinning, and morally it is impossible for them to treat each other otherwise, and they cannot avoid feeling base stimulations regarding those things which future conjugal intercourse will involve. In his omnibus autem, præsertim ubi turpium lapsuum periculum imminet, advertat sedulus Confes- sarius, quod nunquam crudeliùs se geret cum penitente quàm benigniùs agendo, et quò majorem severitatem adhibebit, eò meliùs illius saluti consulet.

D. Thomas à Villandva (Fer. 6. post Dom. 4. nam illi suadere debet, quò revera potius scandalo erit, si post Confessionem occasionem non auferat: aut enim alii suum peccatum aut periculum ignorant, et tunc nihil mali suspicabuntur, putà si quis famulam dimittit, vel si ab accessu in aliquam domum se abstinet; vel jam alii id animadverterunt, et tunc famam potius recuperabit, quàm amittet. From all these things I conclude that ordinarily a penitent who is involved in a proximate voluntary occasion should never be absolved, even if he brings extraordinary signs of sorrow; and this must be done before the occasion is removed; for an external occasion, especially when it involves a grievous vice, so blinds the mind that all proposed resolutions are erased from memory, and so urges one to sin that someone who knows his certain damnation consequent upon that crime would not desist from the sin. See below in Dub. 3. n. 454. 453. — Dubit. 2. Can one be absolved who exposes himself to a probable risk of sinning? Mendo, Gob. and VII, and Hozes affirm 4. n. 257, and consent now that a reasonable cause be present; because (as they say), since it is probable that he will sin, and probable that he will not sin, he can form a certain conscience regarding himself, and consequently the practical judgment will not be culpable. But we have already refuted this opinion.

I. 5. n. 63. with Busembao, La Croix, and Carden. Elizabeth et al. Here I add authority from LIB 250. VI. TRACT. Fourth. OF PENANCE.

CHAP. I. D. Tk. 2. 2. 9. 10. a. 9. where this is expressly condemned; saying: "The infirm in faith, whose downfall it is probable to fear" may be, they are prohibited from communion with the infidels. The reason is that, when there exists a probability of falling, there already presents itself a formal danger of lapse, which (as we have said) must be entirely avoided when the occasion is voluntary; but otherwise, if necessary (as we have said in 1. 5. n. 63. de Medico et Parocho). However, rightly do they sense it, tr. 2. d. 2. p. 2. §. 3. n. 9. cum 3. p. 277. v. et Aor. citati. 1. 2. n. 26. v. Likewise, because in extreme spiritual necessity of a neighbor one cannot only assist him with such probable danger, but must also succor him when such danger is present, since then necessity makes it so that he may avoid a remote danger; hence, if he can, he should do so; and this same doctrine D. teaches where, after saying that those should be prohibited from communion with the infidels whose salvation one probably fears, it adds: "unless necessity urge him to do so." He nevertheless says in the same place with Sylvius, that if the danger is such that it is more probable to fall, then one cannot expose oneself to this danger in any way, nor should one do so, because each person ought to regard his own salvation more than that of others. But this could be pondered, namely that in such a case of extreme necessity, although the fall may be more probable, one ought rather to be more strongly fortified with pious words and works, and then

trust in greater help from God; for it would be reasonable to hope then that God would augment the aid where greater need will press. 454. — Doubt is raised 3.

Whether a penitent, who is involved in an occasion of nearby voluntary sin, can ever be absolved? This above all one must observe four propositions proscribed in this matter. I. An penitent, who is involved in a proximate voluntary occasion, can ever be absolved? Propositio 41, damnata a : « Non » est obligandus concubinarius ad ejiciendam concubinam, si haec nimis utilis esset ad oblectamen tum concupiscendi (vulgò regali), dum deficiente illa nimis aegre ageret vitam, et aliae epulae taedio magno concupinarium afficerent, et alia famula nimis difficile inveniretur. II. « Not » is not obligated to eject the concubine if she would be excessively useful for the entertainment of the concupiscence (commonly referred to as the raving), while lacking her would greatly impair life, and other feasts would cause great boredom to the concupiscent one, and another servant would be excessively difficult to find. XI said: « It can sometimes be absolved who is disposed towards sinning in the next occasion of sin, which he can avoid and does not wish to omit directly and with intent, or who interferes with himself for that purpose. »

III. Dicebat: « Potest aliquando absolvi, qui in proxima occasione peccandi versatur, quam potest et non vult omittere, quinimo directè et ex proposito quaerit, aut ei se ingerit. » Prop. 63. "Licitum est quaerere directè occasionem proximam peccandi, pro bono spirituali vel temporali nostro, vel proximi." » But it becomes doubtful whether he who as yet has not removed the proximate occasion of sinning may be absolved either in the first or second instance? The first opinion affirms this, and many authors hold thus, as Suarez states in d. 32, sect. 2, n. 3. 2. tr. 2, dub. 2, p. 9, §. 3, n. 18. 108. Mazzotta t. 3. p. 577. . 16. (citing Cajet. and Cordub., but P. Milante denies that these authors hold this opinion) et p. 148. n. 584. with Tambur. and as the more common view asserts: and agrees in q. 2. for the first time, in the case where the penitent has not yet become aware of the obligation to remove the occasion. Reason, because (as they say) such a penitent can be well disposed to absolution even before the occasion is dismissed, if he proposes to turn away from it.

Sed hic distinguendum est a S. Carolo Borromaeo (in Instructis suis Confessariis traditis) inter occasiones quae sunt in esse, prout cum aliquis concubiam domi detinet, vel dum aliqua famula peccat cum hero, quoties ab eo tentatur: et inter occasiones quae non sunt in esse, utpote si quis loquendo probabulitur in blasphemias, aut versando in cauponis proruptit in rixas et ebrietates, aut convivendo cum sociis ruat in verbis et

cogitationibus obscenis, etc. In occasiones hujus secandae speciei, quae non sunt in esse, recte docet S. Carolus, quod si poenitens firme proposant ab eis se cavere, potest per unam aut duas etiamque tres vices absolvi. Quod si postmodum emendatio non apparet, debet ei differri absolutio donec ille cum effectu occasio derelinquat. In occasionibus vero prioris speciei quae sunt in esse, ait S. Carolus poenitentem neque prima vice absolven-dam (quascumque promissiones proferat), nisi prius occasionem amoveat. And I hold this judgment (at least when speaking generally) to be entirely to be followed; and the Cardinals hold it in Proposition 61 damm. ab et Candido, Tourn. i. 2. p. 257. Regularis iuris iudex unus est. P. Segneri Instr.

The author of the book whose title is: no. 227. also no. 20. where he says: "A concubine cohabiting with a concubinarius should not be absolved before he separates himself from her." » Co-nich. d. 8. de Penit. d. 17. n. 113. ubi: « Eos qui vivunt in concubinatu nullo modo extra casum gravis necessitatis expedit absolvere antequam de facto separentur. » » l. 3. c. 3. q. 2. Resp. non posse licite absolveri antequam a ea (scribi concubina) separetur; item dict. n. 18 ex D. Augustino in c. Satisfactio, de ubi sic dicit: « Satisfactio poenitentiae est pec- torum causas excidere, neque eorum suggestionibus aditum indulgere. » Therefore, the penitent is bound to remove the occasion before absolution, otherwise he would not have prevented access through their suggestions. Reason for this judgment (as Cardenas says) seems to be that the first judgment appears condemned in the aforementioned Sed; but this reason does not convince; for it is one thing to be able to be absolved who does not wish to omit the occasion, as the proposition says; and another thing, who although he does not wish to omit it before absolution, yet nevertheless wishes to omit it immediately after absolution.

Reason 2: because the precept of removing voluntary occasion is a negative one, that is, not remaining in the occasion (just as the precept of not retaining another's), and this obligates always and for ever; hence whoever can remove the occasion immediately and does not do so, is in actual transgression of the precept, and therefore indisposed. But this reason by no means satisfies, or at least is to be understood solely in the case where the penitent does not wish to remove the occasion immediately after absolution and promises rather to do so in the future; but if the penitent firmly proposes to remove it immediately upon returning home during the act of Confession, I do not see why he would be considered indisposed or that he would contravene the precept. The better and truer reason seems to me to be this: the removal of occasion is a thing most difficult to accomplish, and it does not happen unless one inflicts great violence upon himself so as to be torn away from that occasion, to which

he remains very prone on account of his former adherence of mind; and thus, if the occasion is not removed before absolution, the penitent will easily deceive himself after absolution by falsely persuading himself that he resists temptations, and thereby, with the occasion not having been dismissed, he will in fact return to the vomit. As regards that matter, if one should wish to be absolved before deserting the occasion, he would be indisposed, because he would place himself in a probable risk of violating his purpose: and therefore the Confessor who were to absolve him while leaving him in such a risk, would certainly sin both against the office of the judge and that of the physician, since he would absolve the indisposed person without applying to him the remedy necessary for his own salvation. You would say: A penitent who has a probable opinion in his favor should be absolved, because since he is disposed [to do well], he has a right to absolution according to what is said in lib. i. n. 25 and dic. n. 604. Therefore, if anyone should form a probable conscience according to the first judgment, the confessor would be bound to absolve him.

It is replied that it is illicit (as we said just above n. 453. dub. a.) to voluntarily expose oneself to a probable risk of sinning; hence, the penitent who desires to receive absolution before removing himself from an occasion of sin commits a sin by exposing himself to a probable danger of violating his purpose; and therefore, as being indisposed, he has no right to absolution. It is replied 2. Given and not conceded; that a penitent may be absolved once or twice before the occasion is dismissed, nevertheless, as commonly they say, both the DDs and their adversaries themselves concede, a penitent does not have the right to be absolved immediately, and therefore it can be done well (and if it can be done, then the Confessor must properly perform his part of the duty) as a physician, to defer that absolution until the occasion is removed. I said nevertheless according to ecclesiastical custom; for it is rightly received from Lugo, d. 14, n. 151. For those signs indeed indicate that the penitent has abundantly received grace, by which he will persevere more steadfastly in removing the occasion. Nevertheless, he says; and thus also I would act. 2. Cum Vioa loco supra cit., casus quo paenitens, si absolutio differatur, non possit ad Confessarium redire, vel nisi post longum tempus: tunc enim, si ille jam fuerit confessus peccata sua, et Confessarius prudenter judicare valeat eum firmam habere voluntatem tollendi occasionem statim ac poterit, tunc potest et debet ipsum absolvere, quia tunc paenitens habet jus ut statim absolvatur.

Neither does it hinder saying that he himself would then remain in the same danger (as was said just now) of infringing the purpose. Nam responditur, quod hoc casu tale periculum de proximo fit remotum: congruent enim ratione gravis damni (ut infra dicetur) non tenetur

poenitens occasionem auferre, eo quod peri- culum per se proximum ratione illius necessitatis evadit remo- tum; ita in casu nostro periculum illud infringendi propositum fit remotum ratione magni oneris, quod poenitens deberet subire iterum repetendi Confessionem apud alterum; tunc enim est constitutus in morali necessitate recipiendi absolutionem, ante- quam occasionem dimittat. This, however, is not to be admitted if the penitent has already been admonished by another Confessor regarding the occasion to be avoided and has not abstained; because then he is considered as a recidivist, and is least worthy of absolution unless perhaps he brings forward extraordinary signs of sorrow, as stated above. 488. — Doubt 4. Can they be absolved who are in a necessary proximate occasion? As we have indicated above, that which is called a necessary occasion cannot be left either physically or morally; physically, for instance, if someone were in prison or on a trireme from which he could not learn [the faith]; or if he were at the point of death, wherein he would not have time or manner to dismiss his beloved: morally, however, that is, if it cannot be removed without scandal; in these cases, well can he be absolved even though the occasion has not been removed, since the penitent is not then bound to remove that [occasion]. But here arises a doubt: whether one can remain in proximate occasion, if otherwise he would deserve to suffer notable temporal harm in life, fame, or fortunes?

Merbesius in his treatise on Penitence, book 4, note ii, denies that anyone can be excused from removing an immediate occasion for no temporal harm at all; and he agrees with Wigandus in part in tractate 5, note 50, where he says that there is an obligation to remove the occasion even if infamy must be endured. Nevertheless, commonly the Doctors affirm that a penitent is not to be allowed to dismiss an occasion, if he will otherwise suffer grave temporal damage, provided only that meanwhile he be ready to use the prescribed means; thus n. 20 i. cap. 8 n. 3. Lugo d. 14. n. 152. cum communi, . 2. d. 2. p. 9. §. 3. num. 8. Tourn. tom. 2. p. 255 et 258. Reg. 3. n. 46. v. I have spoken, Bonac. at p. 14. n. 11. 3. a. 2. n. 6. 104. n. 9.

Renzi concerning chapter 2, section 1, question 15. Sporer n. 326. (qui tamen n. 328. cum Palao non excusat aliquem mediocriter divitem, qui ne patiatur damnum centum ducatorum, occasionem non vellet deserere) et consentit Concina p. 265. n. 17. si poenitens ex dimissione occasionis deberet pati infamiam, aut gravissimum detrimentum. Reason, whereby an occasion of sinning is in itself neither sin nor necessitates sinning; hence it can well be consistent with true detestation of sins and with a firm purpose of not relapsing and of applying due remedies. And although the precept to avoid the proximate occasion of sin per se obliges one not to remain in the occasion, yet it is to be understood as obliging when one

persistently remains in the occasion voluntarily, not if one remains there out of necessity; nevertheless, morally speaking, this necessity. VI. TREATISE.

Fourth. OF PENANCE. CAP. I. Occurs when without great detriment or inconvenience the occasion cannot be avoided; for then danger becomes formal and proximate through opportune means employed to prevent relapse, thereby becoming material and remote; not because he is in danger, but "he who loves" perishes therein (as it is said in Ecclesiasticus 3); "but one does not love danger, who suffers it unwillingly." Hence optimally S. Basil (in) said: « He who, for some urgent cause and necessity, exposes himself to danger, or permits himself to be in it, although he would otherwise prefer not to be, does not so much show that he loves the danger, as that he is compelled to endure it; and therefore God will more carefully provide lest he perish in it. » The same is sufficiently confirmed from c. Laudabile de Frig. et Mal., where it is thus stated: "If both (the discourse refers to spouses from the beginning impotent) shall agree together to be such that the man may have her, although not as wife, at least as sister." Therefore (as the Saint notes), so that they themselves do not suffer infamy, it is permitted for them to live together with the risk of contact.

Remedia autem pro his qui reperiuntur in occasione proxima praesertim peccati turpis, sunt videlicet major oratio, frequentior usus Sacramentorum; quotidie ante imaginem Crucifixi renovare promissionem non amplius peccandi; vitare ne versetur solus cum sola; fugere ab aspectu complicis, et similia. Hereupon Sporer n. 322 says with common Busembach as above in the case of occasion. Mazzotia t. 3. p. 574. c. n. 12. cum Graff. Ferdinandus etc., n. 9. cum n. 11. Idem dicit Vioa 3. a. 4. n. 9. de chirurgis qui medentur mulieribus, et de parochis qui in excipiendis earum confessionibus pluries peccant, si aliter ipsi non possent vivere justum suum statum. See what is said in T. 4, L. 5, n. 63, vers. It is asked: 456.—These judgments are very probable; nevertheless, in practice all agree that it should be expedient to defer absolution to those who are involved in an immediate occasion even if it is necessary.

Judice, ut ego quid sentiam in hac re, ingenuè dicam: nunquam absolverem eum qui est in occasione proxima extrinseca (nam de intrinseca aliter infra loquar), præsertim si occasio sit de materia turpi, semper ac ab solutio commodè differri posset. For I hold that the Confessor is bound, as a physician, to apply more suitable remedies to his penitent, so that he may effect his own health; and I demand that no other fitting antidote can be administered to one who is in proximate occasion than a delay of absolution; for experience teaches that penitents, after they have

been dismissed upon being absolved, neglect the means prescribed by far more than is proper, and thus easily fall back. When conversely, when to themselves absolution is denied, they more diligently seek to fulfill remedies and resist temptations, being driven by fear lest, when they return to the Confessor, they again be dismissed without absolution. And in the case where a penitent has previously been admonished by another Confessor to neglect prescribed means, and thus relapsed in the same manner, I say that he must absolutely be dismissed without absolution unless perhaps extraordinary signs of sorrow are exhibited. And even with this yet extraordinary compunction given, speaking in a routine manner, I would deny him absolution when he could easily be absolved at another time. Perhaps transcribing these things to another would appear too rigid; but I, when those penitents had been ensnared by such occasions as these, have always acted thus and always will act; for this way of proceeding, I think not to be rigid towards them, but rather most benign, since no other mode seems fitting to me whereby they might themselves be delivered from sins and eternal damnation, and conversely I would believe that if I were to grant the absolution which they ask for with a benevolent act, it would be because I am causing them to decay in their vices. Each one shall abound according to his own sense.

Would that all Confessors would behave towards such penitents in this manner; fewer greatly serious crimes would be committed, and many more souls would avoid perdition! I feel and say that when it comes to remitting a formal sinner from sin, even if permission is given to remain in material sin, then the Confessor should take care, within what Christian prudence allows, to use more lenient opinions, yet strongly grounded in serious reasons. Wherever, however, benign opinions incline closely to the danger of formal sin, as happens in this matter with the proximate occasion, I say that it is expedient for the Confessor to use stricter judgments; thus he will more carefully guard the salvation of his penitents. 457. — Doubt 5. Qui in occasione necessaria etiam adhibitis remediis semper eodem modo relabitur, possit absolvi nisi prius occasionem deserti? The first opinion, which Lugo holds in De Penit. d. 14. n. 152. . 2. d. 2. p. 9. n. 3., and also Gob. Fabri, Palla. and others cited by Croix, l. 5. n. 261. consider it probable.

Conf. l. c. n. 10, di- cit, that he may be absolved as often as he wishes, provided he has a sufficient sorrow and purpose of amendment. (Lugo however notes in n. 160 that when someone immediately relapses after Confession, he is deemed to lack true sorrow and purpose of amendment, and thus should not be absolved.) Nevertheless, the second opinion is more probable, which is upheld by q. 3, pag. 258. Reg. 3. 41. num. 17. cum et pag. 577 qui vocat communem; item cit. qui vocat veram tenet

hunc non posse absolvi nisi occasione deserat cum jactura adhuc vitæ si opus sit quando nulla emendatio nec probabiles spe emend appareat. Reason, because man is bound to avoid the danger of proximate formal sin at every loss of life. And although the danger of sin may sometimes be permitted on account of a just cause, yet many sins cannot be multiplied; for when there appears no hope of amendment and no probable expectation of improvement, the danger becomes formal, and it is not bound to sin, and therefore it must absolutely be avoided with any temporal damage, even that of life. Here runs this saying: "If thy eye offend thee, pluck it out: it is good for thee to enter into the kingdom of God with one eye, than having two eyes to be cast into hell fire." And elsewhere Luke, chapter 25. "What profiteth a man, if he shall gain the whole world, and lose his own soul, and make it suffer loss?"

» You will say with Lugo: Therefore this person could not be absolved even in the first instance, since the same danger would have been present. I respond that the reasoning is different; for since an occasion is necessary, through means it transforms a materially proximate danger into one formally remote; but when remedies are applied and there is no hope of amendment, the danger escapes being formally proximate, and thus it must be entirely avoided with whatever inconvenience. "But if (says St. Charles in Instruct.) Confess. loquens de puella quae domi haberet occasionem necessariam) post similes præcautiones comperiat Confessarius poenitentem in illud peccatum relabi, deneganda prorsus est absolutio, do nec deseruerit proximam peccandi occasionem, quidquid tamen evenire debeat: Hinc c. Falsos 6. de etc. Fratres 8. ii. dicitur debeo dimittere sua officia milites, negotiatores, curiales, etc. qui norint illa non posse exercere sine peccato; sic enim loquitur S. Falsos: Ideoque quicumque miles, vel negotiator, vel alicui officio de- ditus, quod sine peccato exercere non possit (difficultas notatur, advertit Glossa, non impossibilitas), si culpis gravioribus irretitus ad poenitentiam venerit, recognoscat se veram poenitentiam non posse peragere, nisi negotium, aut officium deserat. The same is more clearly confirmed by Fratres, who say: "For false penance is made when the penitent does not withdraw from an office, whether curial or negotial, which cannot be exercised without sin for any reason." But otherwise it is to be said according to n. 583, n. 10, and Sporer num. 326, with Sanoh. Naso et aliis communissime, si in praesenti hujusmodi pœnitens afferat extraordinaria signa doloris; tunc enim jam effulget spes emend. 458. — Hic pro complemento hujus puncti refert adjicere ea quae tradidit D. Carolus Borromæus in Instruct. pag. 653.) ubi distinguens inter occasiones proximè de se inductivas ad peccatum, ut est domi retumere com-cubinam, et occasiones proximas peccandi ob pravum habitum alicuius, sic dixit: « Pœnitentem in aliqua ex his occasionibus versantem, si urgens sit illa occasio, ut qui concubinam aleret, non debet sine dubio

Confessor absolvere (intellige ne prima quidem vice), nisi hanc occasionem antea sustulerit. »

For other occasions (less pressing ones), such as lotteries, less immodest appearances, conversations, gestures, etc., absolution is not granted unless the penitent promises to give them up. That is to say, if he has already promised otherwise and not been amended, the absolution should be deferred until amendment has been effected. Then he added these words: "Concerning works that incline to evil, such as public dancing, frequenting taverns and the company of wicked men, and other similar things; if a man has been accustomed to sin through occasions of this kind, he ought not to be absolved unless first he entirely desist from them." That is to say, if it has been seen by the Confessor either from the first or second penitent's promise and no more, that he will entirely dismiss this occasion, then he can absolve him; but if he has not stood by his promises, he should defer the absolution until he shall have acknowledged that the occasion had been entirely dismissed. And because it can happen that the penitent cannot dismiss this occasion of sin with safety (understand danger of life, damnation, or loss of goods), or scandal, he should employ remedies; and first the absolution should be deferred (even if the penitent confesses his sin for the first time) until he has given signs of amendment. That is to say, if to the penitent danger of infamy has befallen (namely, if he incurs infamy unless then he communicate), and the confessor perceives such signs of contrition in him (that he may prudently judge it arranged), and observes a fitting disposition for receiving remedies, then he can absolve.

That is, if nevertheless the penitent has not amended (namely, even though remedies have been applied), he will not be absolved until that occasion shall have been removed. 459. — It is asked: Whether those who are accustomed to sin or who are habitual sinners, and those who relapse, can be absolved? It must be distinguished between one who is consuetudinary or habitual, and one who is a recidivist. Consuetudinarius intelligitur hic qui prima vice suum pravum habitum confitetur, et iste bene potest absolvi, etiamsi nulla emendatio praecedat, modo eam seriò proponat, ut cum sententia com- munissima dicit Croix I. 6. p. 2. n. 18a0. Reason, because such a penitent on one side is not to be presumed as evil so as to desire inordinately to approach the Sacrament; but on the other side it is well presumed that he is disposed, when he confesses his sins, since the very spontaneous confession is a sign of contrition, unless some positive presumption against this be present; for all agree that pain is made manifest through Confession. See t. 7. pag. 408. 11.

Nor is it valid to say that the same evil custom is a sign of indisposition; for although an evil habit makes the sinner more disposed to sin, it does

not nevertheless give presumption of his weak will. Attend what the Catechism teaches: "If," upon hearing the confession, the priest has judged that neither diligence in enumerating the sins nor the pain of repentance has entirely failed, he may absolve. Notandum omnino defuisse. Recidivus autem est ille, qui post confessionem in eisdem peccatis relapsus est. Is there doubt whether he can be absolved? There are three opinions.

The first opinion which they hold is that of Sylus. Henry translates 17th article on the 16th question, saying that this must be absolved as often as it confesses, unless some circumstance judges it indisposed; otherwise it is always considered disposed, and thus has such right to absolution. But this opinion is false, as we shall say below. The second opinion is completely opposed to this, which the Regents hold in their books 2 and 3, section 58. VI. TRACT.

Fourth. OF PENANCE. CAP. I. penitentiae tertiae capituli i artikuli i quaestio iii et caput septimum quaestio undecima; dicit numquam peccatorem habituatum esse censendum dispositum ad absolutionem nisi diu conversionem suam per emendationem probaverit. And the same is held by P. §4 throughout; although elsewhere on page 722, note 24, and on page 719 he moderates his doctrine in practice, it is said: "And that you may remove the danger of erring, if you see, with two or three absolutions you can care for the infirm, be rich in mercy." Emendatio peccatoris securior omnibus regulis est norma vel impertinendi vel denegandi absoluto-nem. The third common opinion which we follow and hold is found in 2. c. 32. n. 45. et l. 3. c. 5. n. 13. . 18. de Juramento. d. i. p. 9. n. 3.

Bonaventura, idem titulus, tractatus secundus, decretum quartum, quaestio prima, paginam tertiam, in fine; Lugo, decretum decimum, nomenclatura centesimae sedecimae, de quaestione nona. Titulus secundus, caput duodecimum, numerali trecentos triginta duo, libri undecimi, caput tertium, quaestio quarta. Vica de secundo articulo septimo n. 4 n. 10 n. 589 n. 49. P. Milante in the proper treatise 60. Exerc. 35. num. 68. et . c. cap. 5. num. 68. cum Prima pars est contra primam sententiam dicentem, quod re-cidivi debent absolvi semper ac ad Sacramentum accedunt. And it is proven provided that he openly offer to lament and propose amendment. The reason is that, in order for the Confessor to be able to absolve the penitent, he must be morally certain about his disposition; hence, although a sinner who confesses for the first time should be considered disposed (as we have said), because no presumption against him obstructs this (for what we have said); yet when he has already been admonished in another Confession and has fallen again in the same manner without any effort exerted on his part, and without fulfilling any

of the means prescribed by the Confessor, that frequent relapse gives a sign, or at least a prudent suspicion, that his penance is not genuine: for one who firmly proposes (as Lugo says, d. 14-n. 160) something morally possible for himself does not so easily forget his proposal, but perseveres in it at least for some time, and consequently falls less frequently or more rarely.

Hence S. Isidorus lib. 2 sic dicit: « Ille ponientiam digne agit, qui sic praeterita mala deplorat, ut futura iterum non committat. » » And St. Augustine, as quoted above. Isidore wrote rightly: « Qui tundit pectus suum et se non corrigit, solidat peccata, non tollit. » » Therefore St. Charles (in the Acts). The Synod. p. 653.) taught well: "Absolution must be postponed for those who have persevered in the same sins for many years, nor did they labor to amend themselves." » Et hoc ait Lugo l. c. accidere posse etiam in Confessione venialium, in quibus ponens sit habituatus.

For although the Doctors commonly say that those who fall back into the same venial sins more easily receive absolution, because such occasions are more frequent and there is not so strict an obligation to avoid them; nevertheless, Ebel justly says on p. 220, n. 112, that it should often be feared lest Confessions of those who have a too general intention to avoid the aforementioned venial sins become null and sacrilegious. Whereby he rightly observed when they say indeed. Lugo, autoritatem; sed ego eorum opinioni nunquam acquiescere potui: etenim cum poenitens jam fuerit in alia Confessione ad- monitus, et eodem modo reinciderit, nullumque ad se emendan- dum conatum adhibuerit, eadem suspicio utique recurrit, qua fit ut Confessarius non possit habere de ejus dispositione mora- lem certitudinem, sufficientem respectivè ad hoc Sacramentum, ut infra explicabitur. The second part, however, is against the second opinion, which says with an intolerable rigor that it can never be permissible to absolve customary practices unless long experience establishes the correction of their own observance. Our reason for the judgment is that the relapsed individual, although he may present some suspicion beforehand, does not nevertheless exhibit a certain sign of indisposition; for it can well happen that the penitent truly had a firm will not to relapse, and yet through the influence of an evil habit he became relapsed, as St. Anselm observes when he says that habitual sins "catch the willing in what they do not want." Hence, whenever the penitent brings signs of extraordinary sorrow, through these the suspicion of indisposition is removed, and then the Confessor can prudently judge his penitent to be sufficiently disposed.

Wherefore rightly says P. Milante in prop. 60 damn. ab Innoc. XI, as previously mentioned on page 386, that «absolute consuetudinarius in any

way is not excluded», such [a case], but one who gives no hope for amendment. Therefore, a consuetudinarius who gives some hope of amendment can be absolved, provided that this be solid and grounded. » But many authorities of the SS. The Fathers, whom the adversaries bring forward, do not prove anything else than that great difficulty which is present in rooting out a corrupt habit; but well does Lugo teach this on December 14, number 166. Reg.

Hear and others commonly say that « A sufficient disposition is present »— namely, pain and a present purpose, not future amendment; yet one who is thus penitent may be absolved, although he is judged to relapse. » Nor is it true that sole proof of time is a unique sign of the change of will; for the change of will depends upon divine grace; which does not require time but operates in the instant, and thus can be manifested not only through the experience of time but also through other signs indeed. But at some other time different signs of present dispositions will be shown. VI. TRACT. Fourth.

OF PENANCE. CHAP. I. They more clearly manifest the change of will than does the experience of time; for those signs directly indicate the disposition of one who repents, whereas experience only indirectly does so; to such an extent that it is not uncommon for someone to restrain himself from vices even for a long period out of regard for the honor of this present world, as says D. Gregory, and yet not be properly disposed. Therefore, whenever the penitent brings true signs of sorrow and purpose, he can be rightly absolved as many times, as is clearly gathered from c. Septies 23, dist. 3, where D. Jerome says thus: "The just man falls seven times." If he falls, how is he just? If "justus," how does he fall?

But the word "justus" does not cease to be applied to him who "always rises through penance." Not only seven times, but even forty-nine times seven times does a penitent sinner who repents granted sins. And St. John Chrysostom. Homilie 14 in II ad Corinthon scripsit: « Non quaero diu mansionem temporis, sed animae correptionem; hoc igitur demonstras, sintne compuncti, sintne melius immutati, et res tota confecta est. » Hence the Author of the Book published in Rome says: If recidiva arises from one's own frailty without any other voluntary extrinsic cause, it is almost temerity to say that every relapsed person is indisposed. And thus in c. 9. n. 213. he says that a relapsed sinner must be absolved at once on account of the force of his evil habits, if he have a firm will to apply means to amend himself; and adds: Let us judge that it is too rigorous otherwise, and that by doing so the Confessor would depart from the true spirit of the Church, and of the Lord, and from the nature of the Sacrament, which is not only a judgment but also a salutary medicine. 460. — But you will ask

what are these signs of extraordinary pain with which the relapsed one can be absolved at once?

Various such signs are recounted by the aforementioned authors in the aforementioned places cited, namely: I. Major dolor patefactus per lacrymas, suspiria, aut cordialia verba, ait Lugo, Croiz., 65. He says however in c. 5. q. 19., that it is not often to be believed that tears are caused by sins, for often tears come from human affection. Vice non sæpe melius hic Auctor dixisset non semper; nam re- vera, ut bene ait P. Mil., hujusmodi lacrymæ, præsertim in mulieribus et rudibus, non semper sunt signa veræ poeniten- tiae; quandoque enim proveniunt ex aliqua passione, quam poe- nitenes exponunt, vel ex motivo negata absolutionis, vel damni passi aut imminentis. However, tears of penitents, for the most part, originate from the contrition of the heart, especially if they are shed after hearing a sermon or a Confessor's admonition providing some motive for contrition. Hereupon St. Leo (Ep. 82.

Theodor. The epistle thus taught: "In dispensing God's gifts we must not be difficult, nor neglect to shed tears and utter groans when we believe that the very affection of penitence is conceived from God's inspiration." "Note quod cum credamus, propter ordinariam, nisi aliud percipiatur oppositum, credendum est poenitentem ex inspiratione Dei lacrymas effundere." He also does that which we brought forth above from D. Joannes Chrysostomi shortly, where he said that compunction is a sign of true sorrow. II. Small number of sinners, as they say Busenb.

Vigandt, P. Segneri, Lohner, Gob. Mazzotta; Tamen hoc intelligendum est, cum poenitens fuerit in eisdem occasionibus et tentationibus peccandi: aut si ille post ultimam confessionem diu se contulerit, v.g., per viginti vel triginta dies, cum ante assueverit probare pluries in hebdomada: vel si relapsus fuerit post magnum conflictum, ut recte aiunt Croix et Anacl. III. Study directed toward emendation: Lugo, Mazzotta; or if the penitent shall have devoted himself to fasting, almsgiving, prayers, and Masses, that he may make a good Confession and dispose himself for absolution. Spontaneous avoidance of occasions; Croix and Mazz. Completion of the prescribed penances by the Confessor: Wigandt, Busembach, and Mazzotta.

IV. If a penitent seeks means to amend himself; Mazz., W vigandt, Lugo, Segneri; Croix, and Mazzotta; especially (says Lugo) if he has never been admonished about the use of means. But I do not think that such promises are altogether to be trusted, since penitents readily promise, in order to obtain absolution, to fulfill all that the Confessor imposes upon them, but they often neglect this afterwards. V. Maxime (dicit Lugo) si nunquam admonitus fuit de mediis adhibendis ad se emendandum. Spontaneous

confession, as they say. Segneri; provided that the penitent does not confess spontaneously out of obligation to the Paschal precept, or prompted by parents, a pedagogue, or authority; nor for any purpose of confessing in certain feasts, namely the Nativity of the Lord and the Assumption.

Mariae, etc.; sed accedat omnino sponte et vere a lumine divino inspiratus, ad solum finem adipiscendi gratiam Dei. This precise spontaneous confession would be a sign of disposition, if the penitent, wishing to approach the Sacrament, made notable effort, namely he undertook a long journey, abstained from gain of that day, overcame great internal or external conflict, and similar things. VI. If he accedes being led by some extraordinary motive, namely the hearing of a sermon, the death of some friend, or from the movement of fear due to an earthquake, landslide, pestilence, etc., P. Milante and Croix. VII. If the penitent confesses sins previously culpably omitted; Croix.

VIII. If the penitent has previously confessed the sins negligently omitted; Croix. If the penitent before approaching has restored what was taken away, or repaired the injury to his neighbor's skin: Milante. IX. I add with Milante, that if after sins a penitent signifies to the Confessor's admonition that he has acquired a new knowledge of his own iniquity, or of the danger of his own damnation, then he may approach. Croix adds n. 1821 that there are also extraordinary signs if a penitent says he has repented immediately after committing sin, if he desires to make satisfaction, if he accepts great repentance with a good will, and if he protests of his own accord preferring death to relapse.

These signs I say at least are capable of serving to assist other signs of disposition. These however are said by the aforementioned authors to be signs of disposition for recidivism. V I. TREATISE. First Book. Penitence.

CHAPTER I not of those who have not been corrected, but of those who have been instructed through experience. Whereby one may err in that which directs the common consent of the sentence - not humble nor note otherwise received by such means D. non. But to say that they wrote out of passion what they presented in their doctrine, so as to win approval for it thereby, or perhaps on account of something of this kind, does not seem to lack any real merit or be without blame. If this is not to be censured, it does not follow that one should believe an enemy. Grave reasons against it. For if God had been destitute in seeking the direction of the desires of all the faithful; much more so when regarding surrounding opinions did no Church prohibit intercession for such matters. It is not sufficient that certain opinions which have been circulated are not condemned by the

Church, but are rather considered lax by many; for the Church condemns those opinions which particular cases require, even though she does not approve them; but she neither approves nor condemns the judgments which look to the universality of science, as has been said. Augustine

The Church embraces many opinions which are not condemned by the Church, but are generally considered lax; for the Church condemns all opinions that regard particular cases, even though it does not approve them; but it neither approves nor condemns the judgments which look to the universality of sciences, as He said. E p. 1 1 g. "The Church tolerates many things, but those concerning faith and good life, she neither approves nor condemns." Otherwise, in order that we return to the proposed matter, it is certain that i. That the confessor is bound to defer absolution until his penitent's disposition becomes morally certain through the experience of time or some other means, at least by the sign of the penitent's sufficient disposition, if not yet sufficiently manifested. See no. 66.

However, it must be noted (as we have said), that in other Sacraments, since the matter is physical, a physical certainty is required; but in this Sacrament of Penance, since the matter is moral, as are the acts of penance, a moral certainty, or respective certainty, suffices. Thus it taught D. Tb. 1. 2. 9. 91. a. 3. ad 3., "It is not necessary that every measure be altogether infallible.... but according to what is possible in its own genus." And 2. 2. 9. 47. a. 9. ad 2. « Certitude is not similarly sought in all matters, but in each particular matter according to its own mode; because indeed the subjects of prudence are singular contingent events concerning which human operations occur, and hence the certitude of prudence cannot be such that all solicitude is entirely removed. » Wherefore, so far as our purpose is concerned, it suffices that the Confessor have a prudent probability regarding the disposition of the penitent, and it does not hinder on the other hand a prudent suspicion of indisposition; otherwise scarcely anyone could be absolved, since whatever signs of penitents do not provide anything but a probability of disposition, as rightly teaches P. Suarez de Pœnit. d. 32. 3. 2. Wherein he says that it is necessary and sufficient for the Confessor to prudently and probatively judge that the penitent is disposed to repentance. And this seems to be sufficiently expressed in the Catechism.

where it is said: "If (the Priest) having heard the Confession shall have judged that there has been no lack of diligence in the examination of sins nor of sorrow for the penitent, he can absolve." Therefore, always and positively positioned in the confessional, if the penitent's sorrow has entirely failed to diminish, the priest can still absolve him. Hence the

Author supra cit. (Instruction per li Nov. c. 15. n. 360.) thus speaking in the Esparsa: Here we finally establish our conclusion, which is the key to all this matter; there is no need to seek anything else for administering Penance than a prudent probable judgment of the disposition of the penitent. Wherefore if the circumstances do not found a prudent doubt that he is not sufficiently disposed, the Confessor ought not to trouble himself, nor the penitent on account of mere conjectures, that it is impossible. And to this text corresponds the chapter A nobis 2. de Sentent. Excom. ubi dicitur: « Judicium Dei veritatis, que non fallit nec fallitur, semper innititur; judicium autem Ecclesie nonnunquam opinionem sequitur, quam et fal- lere saepe contingit, et falli. »

It is certain and common among all, that the confessor can defer the absolution of a penitent even in disposition, and even without his consent, always and prudently judging delay to be advantageous for his amendment. Thus. 68. Lugo dated 14th [month], number 168.: 587. question 5. Response 1. Cross n. 1764. in the same: Suarez, Sa, Ratio; because a penitent, although he has the right to absolution on account of the completion of confession, nevertheless does not have the right to be absolved immediately; for the confessor, who is not only the judge but also the physician, can properly delay absolution, and in my judgment (as I said above) is bound to do so when he judges such a remedy to be necessarily beneficial to the salvation of his penitent. 463. — A great doubt arises as to whether it is expedient to frequently employ this remedy of delaying absolution, or not, since the penitent has already sufficiently prepared himself for absolution without his consent? It is commonly held among the Doctors that under no circumstances should absolution be delayed when it is considered that delay will prove more harmful than beneficial; thus 60. censure from Innocent.

XI. n. 9. and n. 67. Lugo, d. 14, n. 168, 2, c. 33, n. 45 et p. 577, cum aliis communiter. The same must be said, since through the delay in absolution the penitent would suffer a stain of infamy, as Croix n. 1764 and Mazzotta, ibid., p. 455, state. Outside these cases, Hurtado Res. 21, n. 206, always considers it expedient to defer absolution according to custom; indeed Concina p. 719, n. 19, and Juvenin, in the treatise on Penitence, speak with such extreme rigor: "Those who have sinned mortally should not be absolved unless they prove by works of conversion at a time before the prudent judgment of a man that they deserve it...." The entire antiquity has held that contrition is not the work of one day, but of many months, nay sometimes even abnormal. » Et in Instit. de panit. cap. 1. art. 1. q. 3. addit, hoc servandum esse, etiamsi poenitens semel patra- verit aliquod enorme peccatum, ut perjurium, adulterium, homi- cidium, et similia. Speaking however of a habitual sinner, he says, "Never should he be considered

disposed for absolution unless he has been proven, through much conversion and amendment, to have become a long-time convert."

Others, however, as Busembaus infra dub. 5. n. 1. . 6o damn. ab 10. dub. 29. Croix n. 1768. n. 67, etc., dicunt raro expedire quod paenitenti disposito differatur absolutio. It is better said that a certain rule cannot be observed in this case; rather, the Confessor should direct himself according to circumstances occurring, and having commended himself to God, so as to be inspired by God, he should either defer the absolution or impart it. Whereupon the wise Bishops of Belgium gathered in Brussels decreed in their Constitution to their own clergy in the year 1697 as follows: "The penitentiary is not required by statute to demand from any confessors grave and even recurrent sins, that they have previously exercised acts of penance for a notable time; but since SS." Patribus expendat Deum in conversione peccatoris, non tam considerare mensuram temporis quam doloris. » See ap.

Cross L. 6. p. 2. num. 1824. That is how I would bring forth my judgment; I say that if a penitent relapses due to cause or intrinsic weakness, as happens in sins of pollution, sluggish delight, hatred, blasphemy, and similar ones; I do not think that absolution for the recidivist would rarely be sufficiently deferred by an extraordinary sign. And in the case where a delay appears to be advisable (whatever Juvenal may say). Merbes. requiring dilation per months and years), more truly it should be said that I ought not to defer absolution more than for eight or ten days; as it is said by the Author of the book, whose title § 4. approved in Naples by the most learned and illustrious. To Bishop D. Julius Tornum, (there it cites Ludovicum. Habert in Praxi S. Pænit. tr. 4. p. 417.) and another Author already cited in the book (Instruz. per li Noeelli n. 225.) hold that the delay of a month is excessive and perilous, because after such a short time penitents will find it difficult to return to repentance.

And to this [argument] favors N. SS. P. quæ incipit Apostolica (in Bullar t. 3. n. XIX.) §. 22., ubi aliquen Confessores, qui ex justa causa differunt pœnitentibus absolutionem, sic hortatur: « illos ut quantocius revertantur invitent, atque animos addant; » ut ante reditum ea quæ illis præscribuntur rite per- ficiant; ex quo fiet, ut ad Sacramentale forum regressi, absolutionis beneficio donentur. "To the highest I say that the absolution may be deferred up to fifteen days." I said: if the penitent has relapsed through an intrinsic cause; for if he relapses through an extrinsic occasion, I say that absolution should be altogether deferred until the occasion is removed, provided it is voluntary; but if necessary, until the danger of relapsing from a proximate occasion is made remote. And speaking thus ordinarilly, certainly it is not sufficient the delay either of five or fifteen

days. (See what we said on this point above no. 452.) Quæst.

III. I have said twice rarely, for I judge it regularly that one should not depart from the common sentence which is transmitted in 2. c. 32. n. 45. n. 10. Lugo d. 14. n. 106. Fill. tr. 7. Abelly de Pæn. c. 5. s. 20. n. 3. Decretum, de decimo, dubium vigintinue secundo, numerus viginti unus. Croix n. 1822. cum communi ut asserit, num. 130. 1.5. c. 13, nempe non esse differendam absolutionem pœnitenti, qui relapsus est ex intrinseca fragilitate, quia in tali pœnitente magis sperandam profuturam fore gratiam Sacramenti quàm dilationem absolutionis. 464. — Sed dices, cur differenda est absolutio pœnitenti qui est in occasione extrinseca, et non illi qui relapsus est ex prava consuetudine, cùm eodem modo impellat ad peccandum occasio extrinseca ac prava consuetudo?

Response: In a quite different manner occasion of sin impels to sinning compared to perverted habits; for an occasion through the present presence of an object vividly excites cogitations and powerfully moves senses inclined towards sin, and renders the affection more intense towards sin; and thus the penitent should reckon on himself a great strength not only for overcoming temptation but also for striving so that by fleeing familiarity with the person involved in sin from the near vicinity the danger may be made remote. Prava autem consuetudo, cum non habeat objectum extrinsecum praesens, non ita congruent occasio ad peccandum impellit; unde fit, ut poenitens minorem vim sibi inferre debeat ad abstinendum a peccato. Furthermore, since pravae habitus est quid intrinsecum et inseparabile à persona, extirratio habitudinis minueri debet quam remotio occasionis ab ipsa voluntate; et ideo magis sperandum fore ut Deus bonam voluntatem per majora auxilia adjuvet ad perseverandum. Postulans haec, Confessor imprudenter agit si absolvit eum qui est in extrinsecâ occasione, saltem antequam experiatur quod per fuga illud periculum remotur; nam alioqui eum relinquit in probabili periculo infringendi propositum, eo quod talis poenitens post obtentam absolutionem facile negliget fuga necessario adhibendam, et sic sine dubio relapsabitur. On the contrary, a recidivist is prudently absolved for an intrinsic cause, if he is truly disposed by the sign of extraordinary sorrow; because the danger of infringing his purpose is more remote, since on one side there does not exist an extrinsic cause impelling to sin, and on the other God will provide greater assistance to the penitent in extirpating the evil habit which is present unwillingly and detested by himself; hence it is more hoped that he will be amended through the help of grace received in the Sacrament, rather than through delay in absolution. "Often it is useful (says the learned Father La Croix, who has already treated on this Sacrament of Penance) to absolve relapsing sinners, first because of the aids of grace which the Sacrament imparts and with which the one

absolved can be fortified, for pious exercises will have greater efficacy from the power of the Sacrament, and will be more pleasing and efficacious to God as made by a friend of God, and according to Christ's institution there will be in them a greater satisfactive force; then also hope is more fervently used through prescribed means, because delay offends many, because they do not return but are rendered obdurate." "This was expressly approved by . 1. to . 4., where it is said: 'It must be stated that a greater remedy is provided against avoidable sins by grace than by the habituation of our works."

Hence rightly do they say n. 67 at the end: "Why should it be more hoped for that a sinner without grace through delay, than through absolution to be constituted in friendship with God?" And especially with regard to the sin of Toleian pollution 1. 5. c. 13., thus he says: "I hardly think that there is a more efficacious remedy than frequently to apply Confession; for this is the greatest bridle of sin, and he who does not make use of this, let him not promise himself amendment except by miracle." We read that Philip Neri, frequently making use of this remedy of frequent confession for those fallen into such a vice, we find him (in his life, chapter 6, note 2) to have especially made great use thereof. And to this doctrine refers that which is found in the Roman Ritual concerning the Sacrament. Panit. ubi: « In peccata facile recidentium utilissimum fuerit consulere, ut sepe confiteantur, et si expediat, communicent. » Therefore, the Ritual, while stating that frequent confession is a most useful remedy for those easily falling into sin, presupposes that an evil habit has as yet not been completely removed from them; nevertheless, it teaches that the grace of the Sacrament greatly contributes to amendment.

Certain persons addicted to rigidity, who conduct souls through a single channel of rigor, speaking too generally, assert that all recidivists become more perverse when absolved before they are emended. But I beseech these my masters, whether those who are released without absolution, lacking the grace of the Sacrament, become all the more robust and are amended? How many wretched ones have I myself come to know, who, discouraged by the denial of absolution, fell into despair, and for many years were estranged from the Sacraments and wandered astray? Contrafactim quisque qui in hoc punto impertiendae vel differendae absolutionis se dirigere debet, juxta lumen Dei sibi donatum. This is certain, that both those who err in this matter are at fault; for it is easier to be too lenient than too strict in absolution; both extremes being pernicious: for many confessors, through excessive leniency in absolving, lead more souls to perdition; but others, through excessive rigidity, cause no less harm. Wherefore I do not know whether the Confessor should have less scruple in absolving the indisposed than in dismissing the disposed.

Finally, in order to expose my conscience's opinion, I conclude thus: sometimes it may be beneficial for a recidivist that the delay in absolution occur. Indeed always will it profit to deter such recidivists by reason of their intrinsic frailty, by threatening them with the negation of absolution. However, speaking ordinarily it will more profitably be denied them absolution, when they approach disposed through the sign of extraordinary sorrow. Would that it were said and that all confessors absolved recidivists when they only bring them extraordinary signs! But what is to be lamented is that the greatest part of confessors everywhere, without any outward sign of absolution, indiscriminately and without any admonition or offered remedy, always grant absolution to such relapses; and this is where the ruin of so many souls originates.

DUBIUM III. ## What kind of confession is required? ## ARTICULUS I. ## Whether a complete material confession should be made. 463. What is the integrity material? — 466. How far is the number extended, saying more and less? And how is the number to be sought in conventional terms? — 467. Are there necessary circumstances to be explained that aggravate? — 468. Q. 1.

How many opinions are there in this question? Is the quantity to be explained in a tortuous manner? (See at the end) — 469. Dub. 1. Does an incestuous act with consanguines differ in species from an incestuous act with affines? — 470. Dub. 2. Whether a sin of incest with consanguines is to be explained by the gravity of consanguinity? — 471.

There are also many points to be noted regarding Erasmus' conscience and the integrity of Confession. — 472. Whether doubtful mortal sins necessarily be confessed? — 473. Dub. 1. Am I bound to confess positively doubtful mortal sins? — 474. Dub. 2. Is doubtful what is negatively mortal? — 475.

What if someone should wish to receive the Eucharist? — 476. What if someone should be scrupulous or timid in conscience? — 477. Dub. 3. Whether one is bound to confess something mortal in doubt whether that has been confessed or not? — 478. Dub. 4. Whether one who has confessed a mortal sin as doubtful is bound to repeat it when he knows for certain that it was a mortal sin?

What if the penitent, after Confession, should know that the matter of his sin was grave, but himself in no way would know the time when he committed the sin? 468. — "c. 5.) you have investigated, confess all mortal

sins present in your memory, not yet confessed, and their number, as well as the circumstances which change their appearance." It is evident from the chapter and it is certain. The reason is, because otherwise neither the sacred sacramental judgment could be rightly administered, nor would justice be observed in the imposition of penalties. "It is said i." By itself and ordinarily: because by chance and exceptionally sufficiency of formal integrity is enough, see doubtful sequence 466. — It is said to be the second number, understand certain, which if not constant becomes probable by adding more or less. Because if subsequently you discover that you have erred, you are not bound to confess again unless a more serious fault has occurred. Fagun.

And those who say that those words extend to more or less than one, or two above the number indicated (Lugo d. 16. n. 97). » Cab. T. J. c. 10. n. 8. dicunt illud plus minùs sic sumi: circa tertium intelligi bis vel quater: circa decimum intelligi octāgus vel duodecim. About thirty 27 or 33. Regarding one hundred, 95 and 105. About a thousand, 950 and 1050. But although this is true in regard to a small number, such as that of a denarius, it is not so in other cases, such as those of a centenary, millenary, etc., because those words do not have an absolute sense, but a relative one with respect to the number to which they are added; and the more that number is great, the greater this sense is understood by these words, provided always that it be small in comparison with another thing to which it is joined; which requires the prudent judgment.

Thus Diana p. 3. tr. 3. Reply 194. Age 16. Numeral 94. Whereas, however, if it cannot even be reasonably supposed to be so, then it must be said that there is a custom of sinning, the time, and the frequency in the day, week, month, or year. See. Fül. t. 7. Chapter 4. Number 82.

Diana page 3, chapter 4. Reply 94, Article 9, Difference 5. Lugo, Distinction 16, Article 79. » Well he observed it on page 224, note 451. I ought not to be excessively anxious in seeking the number of sinners in a casual penitent, because it is often impossible to have such a number certain; for many respond only by divination hundreds or thousands of times due to importunity; but who will prudently grant them credit? Wherefore better is it for the Confessor to diligently inquire about the state of conscience; and thence, by questioning the penitent concerning his lapses more or less in a day, or week, or month, at least to apprehend in a confused number the number of sins committed during the course of accustomed practice, rather than to make a certain judgment with risk of error. 467. — “It is said thirdly, that those which change the species: for although it be probable, as some and others teach, that those things which are notable in the same species should also be explained (that is, which

exceed according to each one’s knowledge the ordinary mode of sinning), yet the contrary opinion is held from the reason given in the response.”

Bonac. Lugo d. 16. s. 3. etiam probabiliis est, et tuta: saltem si excipias i. Degrees of consanguinity in incest. 2. Quantity of theft, injury, etc., which require satisfaction. 3. When one act results in the killing or disgracing of many, or before many. 4. Hatred » is prolonged; because then many acts are wont to be committed.

See Pæn. c. 8., n. 14., and others commonly; see also what has been said in book 5 concerning this matter. Sinisterium inter confessarium et paenitentem. See. On impediments to marriage, chapter 5. Question 5. Article 6. Si la circunstancia invoque una censura, o una reservación, » o bien a la dirección necesaria de la penitencia al Confesionario prudentemente se le interrogará.

468. — He asks. I. Whether the circumstances that motively aggravate mortal sins necessarily must be confessed? There are three sentences, all of them very probable. The first opinion affirms, and this is held: 22. s. 3. n. 5. Soto in 4. d. 18. q. 2. ar. 4. 2. c. 23. p. 440. p. 446. c. 6. qu. 3.

Croix l. 6. p. 2. num. 977. Antoine page 504. Wigandt. tr. 3. n. 26. item Estius, Causu, Henr. c. 8. n. 22. et Alens. Syllable. Cajetan. On Confession. DOUBT.

III. ARTICLE I. 26g Major, tr. 7. Reply 1. It is proven from the Roman Ritual concerning the Sacrifice. Penance: si dicitur « Quòd si pœnitens » numerum, speciem, et circumstantias explicatu necessarias » non expresserit, Sacerdos eum interroget. Therefore, not only are circumstances that change the species to be explained, but those notably aggravating them are also; for this is what the words "species and circumstances" signify.

This is confirmed from Cast. c. 5, § 47, where it is said concerning mortals that the circumstances to be explained are those which either increase or diminish the gravity of the sin. It is proven by the second reason, because the same reason which prompts us to confess circumstantial species changers urges us also for notable aggravating circumstances, since both judgments of the Confessor notably change. It does not prejudice the matter that chapter 5 has only taught what is to be confessed primarily; for P. Suarez responds that the Council merely wished to define what was certain, while this question it left indecisive in the opinion of the Theologians. Second opinion, which Sporer holds according to § 3 n. 4io.,

citing for himself (and adheres Busemb.), says that it is necessary to confess a circumstance what, namely, one that diminishes the substantial integrity of the sin in an individual, as regards the quantity of theft. Reason, because otherwise the confessor will not be able to form a fitting judgment about the substance of the sin. The third opinion seems more probable to me in negating there to be an obligation to confess aggravating circumstances, and this is held by S. Antonius 3. p. tit. 14. c. 19. §. 7. et tit. 17. c. 17. §. 5.

St. Thomas Aquinas, De Sacramentis, cap. Of the third part of lit. E. S. Bonaventura. in IV. de Decretis, cap. XVII, pars III, articulus II, quaestio III. Soto in 4. Decretum 17. quaestio una.

Cabassut. Theor. n. 15. asserting this to be more grave and common with . 23. d. un. p. 9. s. 2. p. 2. §. 3. diff. 3. n. 5. Tolet. 1. 3. c. 7. n. 7. n. 23. q. 6. (qui à prima sententia se revocavit) Lugo d. 16. sect. 3. cum Scoto, et probabilem putat Suarez 1. c. n. 15. Abelly page 137. verse. You ask, and many others together with Diana loc. cit., it is proven 1. from d. 16. q. 3. art. 2. q. 5. who by his authority has indeed given great weight to this opinion; yet it must be that we fully transcribe this text, so that it may appear certainly that the Holy Doctor taught thus: "For some say that all circumstances which add a notable quantity of sin to something must be acknowledged if they come to memory." Others however say that it is not necessary to confess unless circumstances which draw toward another kind of sin are acknowledged: and this is more probable; but it must be added that those which draw toward a different species of mortal sin: for the reason being that venial sins are not necessarily of necessity confessed, but only mortal sins, which in some way possess an infinite quantity: and because aggravating circumstances which do not assign another kind of sin, or if they do assign one, it is not of mortal sin, are not of necessity confessed; nevertheless, to confess the same for perfection's sake is congruent with what has been said about venials.

Commonly agree AA. D. Thomas huc locum nostram sententiam tenuisse et signanter Camus in Re-coll. de § Sed enim p. 559 ubi ait: « B. Thomas expressly holds that only those circumstances are to be acknowledged which change the species. The same opinion holds Saint Anthony, as we shall see below. The same is held by Sotus ap. Juvenin. l. c. p. 668. ubi dicit: « D. Sotus, non vero sententia D. Thomae.

However, P. n. 4. explains the aforementioned text otherwise, and says that the Holy Doctor is not speaking there about circumstances which add to the malice constituting a mortal sin, but about those which do not cross the boundaries of venial sins; and this he deduces from the reason which

St. Thomas adds there: "Whose reason is, because venial sins are not of necessity of Confession, but only mortal sins, which in some way have an infinite quantity." It seems that this interpretation does not seem fitting for such a great man; for it is replied that the question proposed by D. Thomas there is significantly about circumstances "which add some notable quantity to the sin." » However, that notable quantity cannot be understood concerning a venial sin, but concerning a mortal one; first because no one has ever doubted this; for who would say or even be thought to have said that circumstantial matters of a venial sin are necessarily to be confessed, since it is evident among all that venials are not necessarily to be confessed? Secondly, because D. Thomas speaks there of circumstances which add a notable quantity to the sin, this however must necessarily be understood as a notable circumstance of mortal sin, and not of venial sin. And that this be the case is clearly evident from the reason which the Sacred Doctor himself subjoins: "That venial sins are not necessarily to be confessed;" for this reason no longer regards its principal sense, as the Father Concilium understands it, namely, that it is not necessary to confess notable aggravating circumstances because they are venial; but it regards this, "What must be added (which immediately precedes), which pertain to another species of mortal sin." By these words openly; but not however circumstantial aspects of a venial sin, even if they are of different species, and on this point he gives reason when he says, "Venial sins are not of necessity of Confession."

Then it is made clearer by adding: "And because aggravating circumstances, which do not assign another species to the sin, or if they do assign it, but not (noted) as mortal sin, are not of necessity of Confession." Therefore, the Holy Doctor distinguishes between circumstances which assign another species but do not constitute mortal sin, and between circumstances which do not assign a new species (that is, mortal sin; otherwise, without doubt, another venial sin would have been compared to a venial sin), and he says that both kinds of circumstances are not necessary for Confession. Hence following St. Thomas, he says: "And those very circumstances which draw the sin into another species, it is necessary to confess according to Thomas; otherwise, to confess other circumstances, when they are not venial sins, is for perfection, and not necessary." » Then, after having explained other species of circumstances, he says: 'Third are those which involve inconvenience; for example, to steal a hundred florins is much more gravely wrong than to steal one; and confessing these which aggravate the sin is perfect, but since they do not change the species nor infinitely increase its gravity, it is not necessary according to Thomas to confess them: 'He also adds that Peter of Palude asserted this to be a common opinion. Whereupon the Sainted Archbishop concludes that only those circumstances should be confessed which change the species and

aggravate to infinity, adducing as an example the theft in a sacred place. Proof is given by two reasons.

Reason 1, because in Trent. Session 14, chapter 5, is thus stated: "These circumstances in confession to be explained which change the appearance of sin, so that without them sins themselves neither can be fully disclosed by the penitents, nor become apparent to the judges, and it may not happen that they can rightly judge the gravity of crimes, and impose on the penitents the punishment that is fitting." From which words it seems that the Council clearly excludes the obligation of confessing other circumstances than those that change the appearance of the sin: because these suffice sufficiently for this, so that the Confessor may rightly form a judgment regarding the gravity of the crimes and the penalty to be imposed accordingly. Reason 2. quia aliae poenitentes semper inter angustias fluctuarent, cum semper dubitare possent de integritate suarum confessionum, in determinando qua circumstantiae sint velne notabiliter aggravantes: et ideo dicit c. q. 5. ad 2. « Determinata quantitas peccati non potest Sacerdoti innotescere, quia nec ipse peccator scie; unde sufficit quod cognoscas quantitatem qua ex specie peccati consurgit. » Whereupon Lugo assigns the reason a priori for this sentiment, saying that Christ gave no other precept than confession of sins; and whoever explains the circumstances that change the species of sin truly confesses and explains the essence of sin, since the quiddity or essence of sin is taken from its specific reason. Reason 3. quia si teneremur manifestare circumstantias notabiliter aggravantes, teneremus etiam confiteri notabiliter minuentes, nempe si quis peccavit ex ira, metu, intensiore passionis, ex inductione aliorum et similibus; quam obligationem etiam adversarii negant.

Final and more weighty reason, as the most learned Cabassutius, Lugo, I. 1. n. 53. with the common Decrees from S. Isidore in c. Erit autem dist. 4. et c. Cum jure. 31. de del. et c. Th. Quodlibet 14. de articulo 3. ubi ait: « Nullus ligatur per praeceptum aliquod, nisi mediante scientia illius praecepti. » "Scientia autem, ut certum est apud omnes et doceit idem D. q. 1. 272 LIB." VI. TRACT.-IV. CONCERNING REJECTION.

CHAPTER I art. 2: is a certain knowledge of some thing; hence, since the law of confessing with aggravating circumstances is very doubtful, we are not bound by it, and thus (as well says Lugo), the Tridentine Council did not explain this obligation of confessing, because the Council was not able to sufficiently gather that from Christ's words and the institution of the Sacrament. Neither does it hinder i. Rituale Rom. saying that there is an obligation to confess a species and necessary circumstantial explanations. For indeed there is an obligation to confess even notable aggravating circumstances sometimes present, as rightly Lugo states in d. 16, n. 121

and n. 27, namely when they bring about censure, or reservation, or when (as we said) the Confessor asks and judges it necessary to know these things for the sake of remedy, or for imposition of a fitting restitution. Regarding the authority opposed by the Catechism, it seems that he indeed approves of it, for it seems to impose an obligation of explaining circumstances not only those aggravating, but also those diminishing, which is not credible. Quis enim unquam dixit, quod si quis confiteretur homicidium, et taceret illud commisisse ex vehementi passione vel in rixa, sacrilegam faceret Confessionem?

Wherefore we must confess that this mind of the Catechism is not sufficiently understood. It does not prevent. 2. to say that circumstances notably aggravating should be explained, so that the Confessor may impose due penance. For Lugo responds well: in penance it is not required to seek entire equality, but only some kind of equality which can indeed be observed if the species of the sin are made manifest, even though the aggravating circumstances are not explained. Hereupon, in chapter 2 where he himself formulates this objection, he responds thus: "It suffices that the Priest know the quantity which arises from the species of sin." It does not hinder to say that the first opinion is at least more secure, and therefore ought absolutely to be observed in matters of the Sacrament according to Nam bene respondent Carden in 2. Crisi, d. 2. n. 107. et Croix n. 978. quod qui sequitur secundam sententiam, non exponit Sacramentum periculo nullitatis, cum ad valorem Sacramenti sufficiat Confessio formaliter integra, quae jam probabiliter habetur in Confessione peccatorum, etsi non explicentur circumstantiae aggravantes.

Whereby it is also inferred, that any probable opinion denying that certain sins differ in species does not incur damnation, because although perhaps false before God, nevertheless a formal and complete Confession already exists. Hence, it is probably said by St. Anthony 1. c. Lugo d. 16. n. 12. et n. 23., when it is stated: per se loquendo, nam aliunde, quia ut plurimum Confessarius inquirere debet de quantitate furti, ad hoc, ut sciat quomodo se gerere debeat circa absolutionem impertiendam, et obligationem restitutionis impo- pendam; ideo ut plurimum tenetur penitens confiteri in furio circumstantiam quantitatis. 469. — Question NoneII. Whether he who has committed incest should explain the quality and degree thereof? Therefore, these two matters are in doubt: Doubt is cast upon the first. Does incest with consanguines differ in species from that with affines?

Lessius affirms in librum 4, caput 3, nota 79, numero 30, quaestio 2. Croix l. 6. p. 2. n. 1074. and others. Reason, because, as they say, although all incests offend against the same due reverence to blood, yet different in deformity is the injury done by incest with consanguines, compared to

incest with affines; for the connection between consanguines arises from an intrinsic bond, that is, from the identity of the same blood received through generation; but the connection between affines arises from an extrinsic bond, namely from a union contracted with their own consanguines. However, others more probingly deny that there is a difference between incest with consanguines and incest with affines; as Lugo says, d. 16, nu. 313 and 316, d. 16, num. 7 and 8, §. 7, num. 48, with Megala, Soto, and Cajetan in 2, 2, q. 154, a. 9. Reason, because (as Lugo says), it has a material aspect in that the connection arises from blood or from marriage; and since for the same reason copulation is prohibited with consanguineous relatives, it is also prohibited with affines. And for this opinion there is no doubt: in the 2nd question, 154th article, article 9, response 2, it teaches thus: "An affined person is joined to someone on account of consanguinity," and therefore, because one is for the sake of the other of the same reason, consanguinity causes inconvenience, and affinity."

"I nevertheless consider it proper to accept incest between a cousin-pair and a mother-in-law, as well as between a father-in-law and a daughter-in-law, as he says and indicates, Lugo, n. 316." Reason, because the debt of reverence, which is a special motive for prohibiting congress between parents and children, is also a motive for prohibiting copulation between noverca and privignus, or socer and munda. Incestus autem cum affinibus, extra primum gradum, commune est inter DD. esse ejusdem speciei. 470. — Dubitatur a. In the Confession, all degrees of incest committed with consanguines up to the fourth degree shall be explained. The first opinion affirms with number 4 and Angel. Vasq. de6. n. 33.

Reason, because it is a special reverence between one degree of relationship and another. They hold the same as Bon. de p. 16. n. 7., since the Second Sententia teaches that incest with consanguineous relations in the first degree, whether direct or collateral, differs specifically from other degrees. As regards the first degree of lineal consanguinity, this opinion seems altogether to be held (contrary to or rather rightly, as Lugo states in his treatise on Penance, d. 16, n. 314, and p. 4go). Concl. 2. teach that it should be explained whether the father sinned with his daughter, or the son with his mother, whose guilt has a different malice on account of the special reverence due to the mother. Whether, however, there is a difference between the incestuous relationship in the first degree of a straight line and other degrees of the same straight line? Croix with Majus affirms the doubt 2 7 4 LIB.

I V. TREATISE. First Book. Deposition. CAP. I. is incestus cum consanguineis in promaro grado neque transversalis, nemoque cum fratre

aut sorore, differens specie ab aliis gra - dibus? They affirm. Fifth book, third chapter, number seven and nine.

Lugon. 1 4 3. . 8. n.: 2 8. 3 1 o t 3 3. . Prac. c. 5. a. 2. Cross: 1. 6. p. 2. n. 1074. et. 1. 7. d. 52. n. 11. The reason why what is due to brothers or sisters should be given to relations by blood is a different kind of relationship and ought to be rendered to nearest kin; for consanguinity with a sister seems to be interdicted in itself by natural law. Regarding the rest of consanguinity, they say. 90. c. et. 31. e d. loc. et de Sacr. Penit. c. 8. n. 3 1. nondifferespecieincescet; sedgradumpropinquioreminducerecircumstantiamtantumaggravantem. The third opinion, which Cajetan holds, in S.

Th. 2. 2. q. 1 5 4. a. 9. Ben. 1. c. n. 6. . 4. part. 7. num. 1 1. Pontiusc. 3 2. n. 3. . 7. §. 7. n. 4 8. cum Megala, item Patud. Gabr. Vict. Not.

Arm. Come, Henr. Soto, he considers very probable that among many consanguineous individuals there is no incest except perhaps a single linear relationship and to be of the same species. Reason 1: because, except for the first degree in line straight, any other degree tends to constitute a more aggravating circumstance, which is very difficult to explain (as we have seen above in nos. 4, 6, 8) not to be an obligation. Ratio 2. quia Caius demonstrat, quod commixtio conjugalis inter consanguineos praeterquam cum parentibus est tantüm vetita a Ecclesia, non verde jure naturali; olim enim jam licitum fuit filiis Adamo suo et sororibus copulari. It does not hinder to say that even if some injury arises from a slight taint of incestuous affection either by natural inclination or by ecclesiastical prohibition, they always commit sin against reverence which is due in conjunctions: for when the Church prohibits something, she places before it as material the species of virtue under whose reason that prohibition is given; but the Church moreover, because of this very same reverence of blood, commands faithful Christians to abstain from such congresses. Nam respondetur quod licet Ecclesia prohibendam commixtionem propinquorum et quatum gradum elevaverit hujusmodi abstinentiam ad virtutem pietatis naturaliter debitæ sanguinibus junctis, non per hoc effecit quod propinquitas horum graduum induceret diversitatem specificam naturalem; naturalis enim diversitas specificae graduum tantüm est desumenda ex difformitate persenaturali, quæ probabiliternon adest inter gradus consanguinitatis (præter primam lineam rectæ, ut diximus), magis etsi minus non variant speciem.

And it seems clearly to be against this opinion (as is not doubted Cont.). Finally, even though the author holds a contrary opinion, it seems indubitably clear (as is not doubted by Cont.) Tourn. 1. 3. 4 0 0. In the

2nd part, question 154, article 9, ad 3, where it is said: "The conjunction of persons has something in common, for so far as it is a conflict and repugnance to natural reason, that is, when there is mixture between parents and offspring, who have immediate and natural relationship, because the child naturally honors his parents... Other persons, which are not thus joined by themselves, but through order to parents, do not thereby incur any indecency of their own accord; rather, decency or indecency in this regard varies according to custom and human law, or divine law, that is, penal law according to divine right." And it seems that the same is taught by D. Augustine (ap. . a. g.) saying: "The more the mixing of sisters and brothers was compelled by ancient necessity, the more subsequently it was made damnable by religion (that is, the Church) prohibiting it." The first opinion is less probable, the second and third seem equally probable. 471. — « 1. For integrity of Confession there is required previous examination of the person, for capacity of the penitent, delay of time, and other circumstances.

For this purpose, however, suffices the diligence of a prudent man in difficult affairs, or one which learned and cautious men habitually employ when speaking morally, even though someone might think that greater diligence would reveal more to him. Bon. t. 1: d. 5. qu. 1. . 5. tr. 6. c. 8. After, however, a life conducted with such moderate diligence is not required to further consider; and if anything occurs that seems not to have been explained in the confession, one can persuade themselves that it was among the other memoranda. R. 107. ex VII. 2. This examination can be supplied from the confessional, although Suarez rejects in lengthy confessions greater diligence, since it is almost impossible for one to suddenly recall everything when asked; and he only admits rudimentary matters: (To this effect see what is found in the Catechism chapter 5, note 60, where it states: If a priest has long known individuals completely unprepared, he will dismiss them with the utmost kindness of words, exhorting them to take some time for reflection on their sins and then return.) Quod si forte affirmaverint se in eam rem omne studium contulisse, quoniam Sacerdoti maxime verendum est, ne semel dimissi amplius non redeant, audiendi erunt, præsertim si emendandæ vitæ studio aliquod pra se ferant, adducique possint, ut negligentiam suam accusent, quam se accurata meditatione compensaturos promittant. Quos etiam monet Sa, verb. Confessio bona fide confessos non est rogandos de confessionibus praeteritis, nisi intelligatur aliquid necessarium defuisse.

» See. » tangled. t. 4. R. 89. "(See what is said, no. 505.)" It is not necessary to write down sins so that memory may not be excited, as some teach against Bonaventure. But Sotus says that it is not advisable to do this, on account of the danger of publication.

However, a confession that is incomplete on account of ignorance or negligence morally culpable is nonetheless invalid, as truly those who teach do say: It does not harm the integrity, speaking per se, if someone confesses more gravely lapsing sins to another before confiding them to an ordinary minister only for venial matters (who imprudently and carelessly prohibits or reprehends this, will be prohibited or reprimanded); unless such occasion remains in a state of moral susceptibility to sinning, or circumvents it so as to sin more freely; then he will bitterly repent gravely, and on account of the defect of attrition the confession will be null. Thus Filius. . 5. t. 6. Card. de Lugo d. 16. n. 57. « 6. They are to be explained only by circumstances diminishing those [sins], which either entirely remove malice, or transform mortal sin into venial sin, such as a small matter, involuntary nature, etc. (for example, if on Friday, unaware, he had eaten flesh); or otherwise notably alter the judgment of the Confessor, at least with regard to appearance. 472. — « 7. To preserve the integrity of Confession, mortal sins that are doubtful as such, when speaking specifically of a doubt properly so called, should be opened up, as taught by the doctors. Section 9. Number 7.

Sanchez, de Lugo d. 16. num. 63. Bonaventura, d. 3, g. 5, sect. 1, part. 2, diff. 4, et alii communiter contra Conin. The reason is that sins which are in conscience should be manifested there; but doubts as they are in conscience: and also because in matters concerning salvation and the means thereto this axiom has no place: "It is better to possess a condition than this: In doubt, the safer part should be chosen." (However, scrupulous persons are excepted, and those who for a long time after having committed a sin experience some doubt, if they have been accustomed to institute a careful confession; because it is not a prudent doubt.) For when afterward he receives certain knowledge, it must again be confessed as certain, teach the authors of moral theology Tur. and Sanchez in cap. 10 num. 69. However, Cardinal de Lugo doubts this in part 16, section 2, notes 79 and 92, and will hold that it is for the sake of greater security. V. Tamen dubitat Card. de Lugo d. 16. sect. 2. n. 79 et 92., et suaderet id ut securius. Diana part. 3. tom. 4.

Res. 60 » and 107. Si vero peccatum confessus sit ut certum, et postea de eo dubitet an fecerit, non tenetur iterum confiteri ut dubium. Lugo, et Tamburin. exped. conf. d. 1. c. 1. qui idem censent, etsi postmodum certò comperiat se non fecisse. But it is advised in the same book and chapter, that if anyone confesses solely doubtful sins, he should be advised to add some certain sin from those confessed previously; but if this cannot be had, he should be absolved under a condition. Therefore, it is asked whether there is an obligation to confess doubtful mortal sins, or whether they

were confessed in doubt? Three questions here arise for discussion, exceedingly necessary to know for practice.

There is doubt whether we are bound to confess positively doubtful mortal sins, namely, if there be probable reasons on both sides that a mortal sin has or has not been committed. The first opinion affirms this, and Merbes holds to it. From question 5, part 244, chapter 6, note 10, and others among the Antiprobabilists who say that in opinions equally probable, the safer course should be followed. The second opinion, however, which is most common, denies this, and it is held in 1. nu. 76. p. 1. 4. d. 22. sect. 9. n. 6. (where he defends this view, even if the sin was more probable to have been committed) by Sylvest. v. Confession 2. question 1. section 3. Sylbus in third part, question 6, article 4, answer 3, Question 7, note 55. Escobar, tractatus 15, n. 182.

Bonac. d. 4. qu. 4. part. 1. n. 458. cum communi, qu. 4. art. 7; a. 9 (pariter asserens esse communem) Tambur. Method. 5. 9. num. 65. (saying this to be certain among all) Fillastre tr. 7. c. 4. n. 109. Diana part. 4. tr. 3. Reply 5. 389 and Sahn. on no. 29 with Gerson. Reason, because each one can lawfully conform himself to an opinion truly probable. Indeed rightly do Holzrn. 463 and Vioe loc. cit. n. 5 with . and others observe that at the point of death, if one doubts whether a grave sin has been sufficiently expiated or whether it was confessed, knowing never having received the Sacrament of Penance after such a sin, then one is bound to avoid the danger of damnation, not now positively dubiously confessing that sin, but either to receive sacramental absolution, or at least to elicit an act of contrition.

Here you would say: Repentance necessarily includes the vow of Confession; hence, since Confession can be made, repentance alone is not sufficient. He responds that true contrition truly has the power to expel sin by itself; and insofar as it does not remove certain mortal sins without a vow to amend, this is because, when there is a divine precept for amendment, one who could fulfill this obligation but does not, does not truly contritely repent. But this holds where a mortal sin is certain, and thus it is necessary matter for Confession; not however if the sin is doubtful; then indeed, since that is not necessary matter, just as contrition without the vow of Confession removes venial sins, so too does it remove doubtful mortal sins. 474. — Doubt arises 2ndly: whether we are bound to confess negative doubtful mortal sins? The first opinion is more common and affirms this, and such is held by Busemb., as stated above, c. n. 66. Lugo d. 16. sect. 2. §. 3. nu. 17. cum num. 54. Diana chapter 10, treatise 12, note 2.

Escob. l. 15. n. 176. . Conf. l. 2. c. 1. §. 3. n. 14. §. 4. n. 37. q. 7. Reply 1. Sporer num. 302. num. 35. ex d. 21. qu. 1. art. 3. ad 3. ubi sic ait: « Et similiter periculo se immittit qui de hoc quod » dubitat esse mortale, negligit confiteri. Nevertheless, one ought not to affirm that it is mortal sin; but rather to speak with doubt and await the judgment of the Priest, whose office it is to distinguish between leprosy and disease. Reason 1 is, because in c. 5 it would be thus stated: "It is necessary for penitents to have all mortal sins confessed," of which, after diligent discussion of their own conscience, they will have knowledge, and these should be recited in Confession. If therefore from the Council all mortal sins, for which conscience is held, are to be confessed; even so are mortal sins to be confessed which have doubt in the conscience.

Reason 2. because the law of Confession is in possession, whence in doubt a sin is to be confessed. Reason 3. because this appears to be a universal and established practice of the faithful, and therefore it is assumed to have issued from Christ's institution and to have been observed up to the present time through tradition. The second opinion denies what are held in question 5. Habert tom. 6. p. 344. q. 6. ubi sic ait: « Qui dubitat absque ratione probabili, dubium deponere debet. » "LIE." VI.

TREATISE. Fourth. OF POINTS. CHAP. I. Coniect. tr. 2. d. 7. dub. 8. n. 450. a. 5.5a a. Eucharist. n. 23.

Melancholy they have termed probable [or: call melancholy probable], c. n. 37. at the end; Vioade in his Question 2, Article a., Number 7, says that S. Anton is eitans. Marsh. etc. also Boss. Henry 6, p. 2, n. 605, qui vocat probabilioriorem ex rationibus intrinsecis. And indeed, although the first judgment is very probable and greatly fortified by authority, this second one nevertheless does not seem to lack its own probability. Reason thus: because the Tridentine locution cited does not oblige those who commit mortal sins, for whom the conscience has knowledge. For he says that they are in conscience, namely either as certain or as doubtful, but of those concerning whom they have conscience, which implies having a certain knowledge of the sin: for conscience (as St. Bernard says) is nothing else than the science of the heart and practical judgment regarding a committed sin.

Conscientia autem dubia neque est scientia, neque indicium, sed suspensio judicii; unde minime dici potest habere conscientiam peccati qui nullam rationem habet quod illud commiserit; et sic respondeatur prima ratio opposita. This is confirmed by the same Tradition ibid., where it is added: "For it is certain that nothing else is required from those who are penitent in the Church, than that after each one has diligently excused himself..., he

confess those sins in which he... has remembered to have mortally offended his God; and the remaining sins, which do not occur to a diligent cogitant, are understood as included in the same Confession for all." Therefore, those who assign a reason for venality fittingly do not hold that it should be made subject to price; similarly, neither should doubts about sins be held, when the Council says that I ought to confess nothing else than mortal sins of which He remembers; for doubting is not indeed remembering, but rather failing to remember. Reason because it is not necessary to impose a certain penance for a doubtful fault: nor does the law exist in doubt whether there be or not, the obligation of the law is present (as wisely says Benedict). XIV. Notification 80, no. 19); for although there is a certain law for one who is confident about a mortal sin, and thus he who is certain regarding a mortal offense and doubts negatively (for if he doubts positively, we will speak below), he is bound to confess, yet nevertheless there does not exist a certain law for one who is confident about a doubtful mortal sin.

And thus is answered the reason opposed to the second. Nor does it hinder the authority taken from Doctor Thomas; for there truly the Sacred Teacher is not speaking of him who, after diligent examination, forms a judgment about his own sin and finds it to be dubiously mortal, and thus lays aside doubt according to the rule provided, namely that no certain obligation arises where the offense is doubtful; but he is speaking of him who is negligent in his own evil action and does not know whether it was venial or mortal; hence he is bound to exercise diligence so as to lay aside this doubt; whence, since he does not know how to lay aside this doubt, he is bound to stand by the judgment of the Confessor, whose duty it is to distinguish between leprosy and leprosy. Neither does it hinder the practice of the faithful, as is opposed; for they respond; hence the faithful adolescent commits positive doubtful sins, whose confession's obligation they all do not recognize as being against their adversaries. Item they refer to Hemig. 4 7 8. - He incriminates Hemig. I. 8. c. 4 5. n. 2. Say.

Euchar. n. 2 3 et Gran. Lecad. et alii ap. Guinen. de Euch. prop. 3. num. 2. nomen tenet id Confessionem, quivult communicare et negativedubitat, an peccaverit mortaliter, tum quianon magis urget praeceptum committendi Confessionem ad Communionem quam praeceptum servandi integritatem Confessionis. Utrum queenim est de jure divino; tum quapraeceptum Tridentinum pramittendae Confessionis (Sess. 1 3. c. 7.) non obligat nisi eum, qui est conscientius mortalis peccati, nequit autem diciconscientius suopacato - quid illodubitat. But a great difficulty stands in the way of this, namely, that he who approaches Communion with a negative or positive doubt whether he has mortally sinned, exposes himself to danger by exposing himself to the risk of frustrating the effect of the Sacrament.

Someone might respond to this difficulty with Sanchez, Poncio, and Vásquez. Perez, Hozes, et aliscitatis. 1. n. 3 2, noncaseilicitumsnscipientibusSacramentutiopimoneprobabili, addifferen - tiamSacramentocomferentiumquineueaministrarenisicumsententiatutiorivelsaltemr sufficitautemadSacramentasuscipienda, utquisaccedatprobabiliterdispositis.

If anyone nevertheless lacks a suitable response, he ought to say with the confessors (as we see and are bound to say in doubt 3, following finally), as common doctors teach. c. 10, num. 85. Leym. n. 3 7. et Croix n. 6 1 1. But also those who are bound by an obligation to confess a sin of such a kind that doubts arise from timorous conscience, and do not usually deliberate about mortal sins; however, in this respect they could rationally and morally believe that they did not consent, which is presumptuous and commonly contingent upon circumstances; see Croix n. 612. Bon. de Pecc. d. 2. q. 2. part. 3. n. 1 9 et Sayr. Reg. Bosco, et Herincx apud Croix l. 1. n. 6 1 5. ac Habertt. 3. de Consc. c. 2. infine, ubi sa - pienterait: « Si vir probate piétatis anxius tan consenserit » delectationi venere, moraliter certe sedebet non consen - » sisse; quia moraliter fieri nequit ut voluntas tam firmain bono propositum mutetar, quin dilacide advertat.

The same is decently maintained. Scholast. t r. 1 3. d. 1 0. n. 1 9 3. dicentes: « Qui habet animi dispositio, ut munus satisfirmi in bono, pro inde nunquam altero inali quod grave consensit, etsensualitas imotus fastidiosunt, non est cur ex qualibet permissione aut non resistentia statim esse sensum pertineat; ea namque animi dispositio videtur satis ciemter periculum auferre. » The reason for this a priori is, because in him who habitually adheres to God and greatly fears that he might sometimes be deprived of divine grace, a great strength should be exerted by himself so as to despise the remorse of conscience and deliberately dispose himself toward sin: but this cannot be done unless he certainly perceives the evil which he embraces; for as the most learned Father Alvarez (according to Croix, lib. i., n. 547) says, "Such is such a great iniquity that it cannot be concealed or ignored, but is easily recognized in the recent past." Hence the Lord said to St. Theresa: "No one causes Me to be lost, unless he certainly knows it." To presume, however, that in a pious man there has not been a full consensus, these following conjectures are profitable, which Croix sets forth i. n. n. 577, namely: if he has had such a serious and often repeated intention never to commit mortal sin, and does not know for certain whether he has called that intention; if when he perceives evil, he is terrified and immediately repels the temptation, but at once doubts whether he has consented; if he remembers having gone through some process of thought; if he does not know whether in wakefulness or sleep he did something or reflected upon something, for if he had been vigilant, he

would have already perceived and avoided it. On the contrary, it is to be considered that he who is accustomed easily to mortal sins is deemed probable in a doubt, because if he had resisted, he would certainly remember the occasion which he had prepared for repelling the temptation.

Hence rightly concludes Croix, l. 6, p. 2, n. 612, that scarcely in such men of either the first or second kind is there given a mere negative doubt; for presumption (as he says with Soto, 477) — one doubts whether someone ought to confess some mortal sin certainly committed, in doubt whether it was done or not confessed. Reply: Si dubium est negativum, equidem temetur illud confiteri, ut communiter docent i. c. xo. num. 71. et Nao. c. 8. n. 34. On the contrary, if the doubt is positive, in such a way that he probably believes that that sin has already been confessed, there is no obligation to confess that, and this is what they safeguard. The truth is that the opinion elsewhere reported from those authors, who said that vows, which are probably fulfilled, are not an obligation to be performed, seems least probable to me; and thus I do not approve this judgment in regard to a sin that is probably confessed, since the obligation of Confession is certain, and satisfaction is doubtful. Non tamen reprobabo id quod ipsi citati Auctores tradunt, scilicet quod ille qui diligens fuit in suis peccatis confitendis, si postea dubitat an aliquod peccatum omissum sit, postquam multum elapsus est tempus a quo illud patavit, non tenetur ad confitendum, cum possit credere eo casu moraliter certè jam de illo confessum fuisse. Et subjungit P cono. pag. 338. n. 43, quod si quis prius ex prava consuetudine in plura peccata lapsus fuerit, et postea sit vere conversus per Gostantem vitae integritatem, si tunc dubitet, an omiserit in Confessione generali vel particulari facta cum debita diligentia, aliquod peccatum vel circumstantiam, Confessarius prohibeat illum recogitet quidem de praeterita vita, sed potius imponat ei ut piis meditationibus tempus impendat.

Scrupulosi autem minimè tenentur peccata praeterita contineri, nisi certi sint quod illa numquam confessi fuerint, ut communissime dicunt Cajet. Now therefore, according to Croix, n. 611. They also add ibid. Sa, Stoz, and others scrupulously hold that it is not to be considered contained except what can be sworn to have been mortal sins, and that they were never confessed. See what has been said about this in book I, note 87, verse 2. What is nothing. 478. — There is doubt whether one who has confessed a mortal sin as being doubtful should later be held to repeat that, when he subsequently recognizes it to be certain?

The first opinion denies it, and this they hold. Conf. 1. 2. c. 1. §. 4. n. 24. Sporer 1. 3. p. 216. with Arriaga Pel. and Escob. lib. 15. n. 17. Eibel p.

248. n. 167. cum Bosco, Stoz, Herincx, etc., et hanc patrocinatur Lugo d. 16. n. 78. Reason, because that sin which has already been explained as it was in conscience at the time of Confession, and has already been directly absolved. The second common opinion (which we shall follow) affirms this, and those who hold this are 5 questions, 7 articles, page 4, number 15; chapter 10, number 69.

Roncaglia c. 2. q. 8. Conc. p. 337. n. 39. 2. art. 3. tract. 16. R. 79. together with others commonly, Cardenas d. 51. c. 2. in Select. who calls it the opposite improbable one; and Lugo loc. cit., although he has defended the primary opinion, nevertheless concludes thus: "Furthermore," because in a matter of morals it is not easy to depart from common sentiment; I do not wish to define anything on this point, but rather to consider the more secure part. The reason for this judgment is that although the sin was directly absolved, it was not nevertheless used as it should have been in conscience according to the Tridentine precept, nor was the substance of the sin explained which consists in its known gravity; hence, there is need for something to be done to restore the integrity of the Confession by manifesting this with certainty and clarity. Neither does it hinder that which Sporer opposes, namely, that if anyone confesses himself to have been fornicator more or less, and afterwards should perceive that he had sinned eleven times certainly, he would again be bound to contain himself. For it is answered with Roncag.

Diana et aliis, quod dispar currat ratio inter primum et secundum casum; in hoc enim secundo casu non ita notabiliter judicium Confessarii variatur congruent in primo, nam hic error numeri moraliter non est circa substantiam, quia juxta humanum modum loquendi in numero decimo addita illa dictio plus minus includitur moraliter undecimus, et ideo sic habet communis praxis fidelium, qui non putant se esse obligatos ad explicandum modicum numeri, quando illum cum incertitudine dicens plus minus exposuerint. In the first case however, when one who has confessed a sin as doubtful subsequently comes to know it with certainty, the error is regarding the substance, because in an uncertain accusation nothing at all that is certain is included, nor can a doubtful accumulation of guilt ever be received as certain according to human reasoning. Thus much for the saying. 1. c. 10. n. 69. Bon. d. 15. et. 9. n. 27 cam. Num. Say. Value.

Cordub. Vict. etc. communism, quodsi quis confitetur pecca - tum, quod necipse, nec Confessarius sciebat semem mortale, et postea novites semem mortale ex generes suo, non tenetur iteram illud confiteri. Reason is this: because having thus laid bare the occasion of his sin, the Confessor confessed his sin at that time and now in his conscience; and nothing new

occurs to him in the present, unless he now recognizes a material sin more grievous than he previously knew. Article II. When a Confession is sufficient formally. 479. What is the nature of formal integrity? And who is deemed physically incapable with regard to material integrity? I. Qua sit integritas formalis? Et quis censetur physicat impotens ad integritatem materialis?

Mutus. Is he bound to confess this in writing, or through signs? II. Deaf. III. Ignorant of idioms.

This is to be held confessed through an interpreter. IV. Moribundus. — 480. A moribund who gives signs of pain to the present priest and is absolved, may he not be able to explain any sin? — 481. An absolvendus infirmus sensibus destitutus, qui per testimonium adstantium ostendit desiderium absolutionis? Then, should absolution be given absolutely, or conditionally? — 482.

What if he has given a sign of penance? — 483. What if he had been deprived of the act of sin? — 484. When shall the formal integrity suffice from the danger of mortal sin? — 485. Whether a confessor can absolve in danger of contagion upon hearing but one sin? — 486. In time of conflict, or shipwreck? — 487. Who is considered morally incapacitated?

And what if sin cannot be explained without violation of the seal? — 488. By what means, therefore, are they excused from material integrity? — 489. Is there an obligation to confess a sin if it cannot be described without defaming the accomplice? — 490. By what causes may a confessor be permitted to disclose a complicit party whom he knows, in confession? — 491. Balla Benedicti XIV prohibens quaerere a poenitente nomen complicis peccati. — 492. The Author's Sentiment: In no case is this permissible. 479. — « Resp.

Even though this Sacrament always requires some confession, nevertheless it is not always necessary that it be entirely integral materially; it suffices that it be such formally or morally, that is to say, insofar as morality speaks, it can be made here and now, although you should, if possible, supply the deficiency of a previous confession, not immediately but when you are again obliged to confess, or wish to. Moreover, when such a confession is sufficient, the following rules teach: "First." Whenever anyone is physically impotent to confide materially integrally, sufficiency is provided by formal integrity, because a divine precept does not oblige one to the impossible. Whereupon in the subsequent cases they can be absolved I. Though it is one or the other sin that the mute has signified by means of a mute, unless he can nevertheless exhibit in writing to the

Confessor what can be reasonably expected from him, then according to common teaching he should be held to do so, contrary to Cajetan. Nao et alios. "It is asked whether a mute is bound to confess by writing, if he cannot do otherwise?"

The first opinion denies this; and this is held by numbers 11 and Soto, Navarrete, c. 7, n. 17. Because, as they say, the manner of such confession is always more exposed to the risk of revelation. The second opinion, however, is more probable and more common, affirming this; and this is held by Lugo, day 5, number 87. Cross n. 1104. n. 38. Bonaventurae d. 5. sect. 2. p. ut. n. 134. cum Heremo, qu. 1. R. 2. with Fag. and R. 16. with Th. in 4th part, 17th question, article 3, question 3, ad 2.

Reason, because he who is bound to the end, is also bound to intermediate means that are not difficult. That nevertheless is understood, namely (as Bonac. and Mutus well observe), one who is bound to the end is also bound to the means, not excepting even the time of the paschal precept, so as to confess thus worthily, as they teach in n. 10, n. 4., c. et n. 15 cum Gaj. Now. Dumb, who cannot explain all things. . 5. t. 6. "c. 8. III. Ignorant of idioms, at the time of the precept, or of another necessity's, even if it is not fully understood, if neither the confessor be skilled in language nor an interpreter be available; nay, although an interpreter may have been present: for he is not bound to confess through him, as they teach, unless perhaps in the danger of death, in which some lesser things are more easily forgiven: (But even at the time of death it is probable that one should not be held bound to confess, as n. 21 with etc., unless the sick person is doubtful about contrition, as Vioq. 4.)

Article 3. Note 10. It nevertheless suffices then to say one venial sin at that time, l. n. 23. and Vioq. with the common. What time concerning the pestilence or contagion see n. 489. Also see Cardinal de Lugo, Decree 15, n. 63. IV. A moribund person suddenly deprived of the use of medicine, if he asks for absolution and gives signs of pain, or even before he has given it in front of others: in this case, if (at least in the presence of the sick person) a testimony is given by one or many mediators or immediate witnesses regarding the Sacrament, it seems that not only can the priest absolve rashly, but also that he can do so with probability (at least under condition). This is taught from number 84. etc., according to many others: similarly Bonaventure cites the declaration of Cardinals for himself: and doubt 5. etc., because thus both necessity and reverence for the Sacrament are consulted. I spoke of the case, because, according to the second expedient confirmation citing Licet enim recentiores quidam ut . confirmation l. 2. c. 10. citing Homobonus and Molf; also c. 1. de S. Fausto, etc., they consider it possible, nay, that it should be absolved sub

conditione, provided that he has otherwise lived probely and Christianly, because interior contrition can be presumed to have been present, id t. 4.

R. 92. and p. 9. t. 6. R. 20. ex aliis duodecim judiost probabile: ab aliis tamen merito rejicitur, ut Saares; Vasq. Coninch. Mercer. Card. de Lugo d. 17. s. 3. c. et alii 12. apud Aversan; quia deest omnis externa confessio, quam esse partem essentiamalem hujus Sacramenti constat ex canone et ex nullo signo ratio habiliter praesumiri potest, ut suppono. See Card. de Lugo l.c., Aversan q. 10, s. 18, where he notes that absolution which is customarily bestowed upon those enrolled in the Rosary Society during illness without any confession, cannot be given as a Sacrament, nor for the purpose of completing the Sacrament, but rather for the attainment of indulgence and remission.

480. — Concerning the absolution to be imparted to one on his deathbed, many things are to be noted: and it is certain that the dying person who gives signs of penitence to the present priest is to be considered as having been absolved. And it is expedient that he be absolved so many times as he himself shall offer new signs of sorrow: Confess. l. 2. c. 10. §. 1. n. 7. And inserted in Work. The Cross l. 1. q. 31. with . Sotus, Canus, and Ledesma object, saying: If the matter fails, where does the absolution fall? It does not fall directly upon the sins of the weak (as they say), that one would later be bound to confess them himself; nor indirectly, since no sin is explained and absolved directly. For by these acts the weak man already acknowledges himself a sinner: but indirectly with respect to particular sins, and thus the penitent is later bound to explain those in particular.

It is false to say that absolution would then be a cause unknown, because rather it should be said that in such a case it is a known cause, albeit not fully known, as Croix says, l.c. And this is certain as will be explained shortly, 481. — Dubit. 1. Can it be given absolution to one who is on the point of death and devoid of senses, who shows the desire for absolution by means of the testimony of those present, giving a sign of sorrow, or by asking for absolution? Canus, Ledesma, et Aloaex, Turrianusque negant pariter apud Dianam t. 3. tr. 3. R. 4. But altogether to affirm the opposite with the common opinion, which is held in 25th section, 1st part, chapter 8, note 2, number 4. Lugo, d. 17, sect. 4 et 5., num. 258, n. 201, 1.

Moya disp. 6. q. 1. Author ap. Cross loc. cit., p. 32, n. 148, cum Vasquez. Scotus quoque tenet id secundum sectam 22 et. S. de Sacram. Undt. where he says: "If... an infirm person who sought Unction had lost either knowledge or speech before the Priest came to him, the Priest should anoint him; because in such a case he should also be baptized and absolved from sins." The same is felt by Saint Anthony, whose words are

quoted in the Roman Pontifical (ap. ib.).

Lugd. d. 17. n. 36.) ubi dici- tur: « Infirmus, etiamsi malus et obstinatus diu perseverans in peccatis, et diu non confessus, si petiit Sacerdotem, ut confiteretur, et interea faciente aliquam Confessionem generalem pro eo, Sacerdos faciat absolutionem ab omni peccato. » » It is proven from the Council of Arausice in c. Qui recedunt. 26. q. 6., where it is thus stated: « Suddenly falling silent... one can receive penance if he has either the testimony of will or the witness of others' words from the past, or the present consent according to his own prompting. » Item ex Concil. Carthag. III. Can. 34. where: "If those who are sowers cannot respond by themselves," through the testimony of their will, those who are theirs by their own peril have said, let them be baptized.

Similarly concerning penitents while they are. Again, Conc. Carthag. IV. Can. 76. thus it was decreed: "He who, in a state of infirmity, seeks penance; if by chance he came to the priest invited and overcome by infirmity, or found himself in bed, let those who heard him give testimony and receive his penance." And si continuo creditur moriturus, re- » concilietur per mandatis impositionem, et infundatur ori ejus Eucha- » ristia.

It is also proven from Pope Leo in cap. Is qui, causa 26, q. 6, and in Epist. 89, where he decreed: "If some have been so grievously afflicted by bodily illness that what they were asking for a short while ago cannot be signified before the presence of the Priest, testimonies from faithful witnesses present to them should profit, so that they may at once obtain both penance and the benefit of reconciliation." It is also proven from the Roman Ritual concerning the Order of Ministering, where it states: "If, between the confession, or even before it begins to be given, the voice and speech of the sick person fail, but attempts are made by nods and signs, so far as possible, to recognize the sins of the penitent, whether known in general or specifically, or even if the desire to confess, either personally or through others, has been shown, he must be absolved." But adversaries pervertly oppose that this Roman Ritual was composed by some private Doctor, even though approved by a Pontiff; hence they say that it does not exceed private authority, since it has no authority but only pontifical approval. But rightly do they refute those [arguments] Lugod 17. n. 48. et c; for Paulus V in the Bull expresses that this Ritual issued from the authority of the Apostolic See, with these words: "After Pope Pius V had deemed it fitting to have the Breviary and Missal edited, it remained that the rites of the Catholic Church according to the authority (nota) of the Apostolic See should issue forth." » Then he adds: « Therefore we exhort in the Lord the Bishops, Parishes, etc., that in future they may use the Roman

Ritual established by authority of the Church, and inviolately observe the usage of antiquity which the Catholic Church has approved, and from it has established, in sacred functions. » And this our opinion Croix expresses probatively in n. 1159. since Lugo sufficiently attests through such a testimony the Confessor's confession of the sick; neither does the Decree of Clement VIII hinder this, where he condemned the confession made absent by letter or legate; for according to the LIB. I V.

TRACT. First Book. Deposition. CHAP. I. refers to Cominclius in lib. de Absolutione. Morbis extestimonio Patris Lam - tard. et Card. Bellarmine, interrogatus idem Clementes de case moribundi predicto, respondit: minime voluisse ut com-prehendere, sed tale moribandum omni modo absolvendum messe.

Whether it is absolutely necessary or merely conditional? Communing sent DD. absolutely, who at once (ut it). Corpus libri secundi capitis unius notae octavae: Sacerdos ex sensu probabili recte operatur; ita etiam Lugdunensis decima septima nota g o quinto quaderno. cum Vasqu. Filliusque in Appendice ad Propositum damnatur §. 11, dicens quod in casu necessitatis (ubi semper quaerenda est certitudo moralis) Sacramenta absoluta sunt administranda; sed tamen semper abeatur probabilitas de materia: conditione vero, ubi habeat tantiam dubium prudens. But Croiz, although he has argued in lib. 6, p. 2, n. 1769, namely, that absolution should be given absolutely when there is a probability of matter; in present instances, n. 1156 d. l. says that absolution should be given conditionally; and similarly Wig. tract. 13, n. 93 hold the same opinion. Bon. de Panis.

Qu. 5. Sect. 2 p. 2. §. 4. n. 8. et 2 3. sect. 1. n. 1 2. cum Ang. Sybest. S. Autonia and common, as he himself asserted. Ethoctutius seems to think that, above all, prudent designs are doubted when given, especially if in a hostile trust. Dubitat. 2. What if there is no one to sit at the table of the offering of temptation from the sick man—where sense is utterly destitute and has no sign at all—can this be solved here? The first proposition denies, than can happen by chance.

Lugod. 1 7. sect. 3. . 2 3. sect. 1. Petri. t. 4. p. 1 6 9. q. 1 0. Abellyp. 1 3 9. n. 2. . 3. . 3. q. 7. et. 3. t. 3. R. 8. with Henry. Naldo, s e. A ratio brief is, yet very urgent; for when the matter of sacrament is lacking, there should be a sufficient sensible effect.

According to the aforementioned opinion, it is maintained that one can and ought to be absolved, provided that within the space of time in which a Christian has lived, there has been neither fault nor matter for

sacramental confession. Morinus l. 1 0. c. 1 0. Genius ton. 4. p. 266. 4. 5. . 151. n. 564. . 245. . n. 208. Vioal. c. n. 8. n. 157. n. 10. n. 12. Croizn. 1162. cum Carden. et probabilem putat Conc. p. 349. n. 15. cum Sabner. Juvenin.

Ponteio, Vavrojo, Raynoado. Hen. s. Ign. Machine. Pel. stc. quoscitatn. 4. The same teaches D. Antonius; cui verba addantur incitamenta.

Priest - dotali Roman (apud Lagod. 17. n. 36.) ubidiciur: "La fir musqui misit boque la mi sibene viva hat, 'quamvis non petierit Sacramenta,quia ex insperat otalia ac derunt... debet praesupponi contritus; et Sacerdos faciat ab omni peccato lutionem." "This may be declared confirmed by D." In the book of Genesis 1. concerning Adultery, conjugation c. 36, it is found: "To the catechumen who has set his heart on the last constitution of this life, similar to a casual sinner." » They have been oppressed, so that they cannot petition for Baptism; priests, however, in their eagerness not to offend Christianity at all, wish rather that infants be baptized who do not have any will, so that they may be baptized without their consent. » Even if his will is uncertain, it has been much more fitting to give to the unworthy than to refuse to the willing, whether he wishes or does not wish thus, it will not appear. Then the Sacred Doctor in the same book, chapter 28, teaches that this same reason is to be held for Baptism and Penance, saying: "But whatever is a cause of Baptism's reconciliation, if perhaps penitents have pre-emptively forestalled the danger of life's end; for the Mother Church does not wish them to depart from this life without the fruit of her peace."

But thou sayest, where this sacramental matter is found (namely, confession and contrition), which ought to be sensible? Genet- tus et Juvenin respondunt: quod si in peccatore moribundo, ut diximus, simplex doloris datum efficiat, ut ipse praesumatur dispositus; quantum magis id efficiet bona vita anteacta? But this response does not suffice; for in order to impart absolution, a mere presumption of internal sorrow is insufficient, but an external manifestation of sins is required, and where this is lacking, the matter of the Sacrament is lacking. Neither does another response of Juvenin satisfy; namely, that the acts of contrition, according to Scotus and others, are not the matter from which the Sacrament of Penance is constituted, but merely the matter around which it is, that is, the disposition to receive the Sacrament; yet this disposition should not necessarily be sensible; for this is hindered by the fact that this Sacrament was instituted by Christ the Lord (as taught by Trent) in a manner of judgment, whence there is absolutely required at least a generic accusation of sins, so that the sentence of absolution may be pronounced. Therefore better respond the ll. cc. with Aversa, Moff., and another, that in such a

case there is present a prudent doubt; namely, when the dying man either before destitution knows the danger of his damnation, or after destitution advertises it in some lucid interval, wherein it is presumed that he values and seeks absolution by truly sensible signs, namely through sighs, bodily movements, at least through anxious respiration, although then the Confessor does not perceive these signs: such signs suffice in so great necessity, at least presumptively from prudent doubt, to grant absolution under condition: whatever Genetius says to be granted absolutely; for since no certain sign is present, they advert well according to Petrocor. And this sentence is sufficiently probable both extrinsically by the authority of so many weighty authors, and intrinsically as well: at least by reason, because in a case of extreme or urgent necessity it is permissible to use doubtful matter, from the principle most approved among Theologians, as he says in tom. y.p. 554 and 557. In this case we can make use of the opinion of slight probability, as rightly stated by 2. de Matrim. d. 36. n. 8. et Dec. l. 1. c. 9. n. 25. §. 11. vers.

Reason, and Cross, n. 1162. with Innocentius XI. Disc. 4. cap. 7. n. 48. cam Nao. Soto, and Figuera. Reason, because necessity makes it possible for the Sacrament to be administered lawfully under any condition in which there is doubt; through condi-LIB. V I. TREATISE.

First Book. Deposition. Caput I. For injury to the Sacrament sufficiently repairs the offense, and at the same time sufficient care is taken for the salvation of the neighbor. And especially this should be noted, that when a Priest is able to do so, he is bound to absolve the sick man gravely, as Mazzotta says in i. 3. p. 3o4. and . Conclusion. Sylvest.

Cajet. with the common authority of . c. As it is gathered from c. If a Presbyter denies non-existence to the dying person, there will be regard for the souls. However, Rong. de Pan. well observed at the end of c. 3, that it is not often to be done that a dying person deprived of his senses should be absolved within a brief space of time without a new certain sign, unless twice or thrice, provided there is proportionate interval; for truly then the necessity ceases which was present in previous acts of absolution. But it must be said otherwise if the deprivation persists for a long time. 483. — Dubit. 3. Can one be absolved who has been deprived of senses during the act of sin, for example, adultery or duel? They deny it, Genetius, p. 30, q. 6. Haber[t]. T. 6. P. 468. P. 555. Et n. 15.

But they affirm note 504. v. But, the Author of the "De Officiis" [Cicero], in his Commentary (according to Croix), Book 1, Question 34, considers it probable at line 261, note 211, with Pontius and Cardanus. Gornaz, et Stoz. They say that such an invalid should also be considered absolved

under the condition, provided it is certain that he was Catholic. They hold this opinion on page 238. v. Summa, et p. 225. Whosoever priest can use it, at least under certain conditions: this is proven by Merbesius from the authority of D. Augustine, l.c., de Ad ullam conjugiis c. 28, who says: "I do not consider only others who are catechumens, but also those very persons who have been joined in marriage with the living, if they have fallen into adulterous relations and, despairing within themselves, have lain down, and could not answer for themselves, to be baptized."

Who indeed knows whether perhaps they who yielded to the allurements of adulterous flesh up to Baptism intended to be reconciled? Which Baptismal cause is also the cause of Reconciliation if perchance it has anticipated the danger of perishing in a life to be ended. Petrocrensis S. Doctor obiettit hic loqui de eo tantum qui signum dederit ponientiae, quod ex illis verbis infert, si intra se ponitentes jacuerint; unde (dicit) supponitur quod tales ponitentes jam aliquod suae ponientiae signum dederint; alias quomodo possent nosci intra se ponitentes? Merbesius justly responds that what is meant by "intra se ponitentes" should not be understood absolutely, but dubitantly, namely, if perhaps those who are penitent have lapsed; and this becomes evident from the following words of the Saintly Doctor: "For who knows whether perhaps they who were detained until Baptism yielded to the allurements of adulterine flesh?" » Cum igitur D. An- gust. dixerit: Quis enim novit? supponit hujusmodi peccatores nullum conversionis signum praebuisse; alias jam notum esset ipsos statuisse adulterina consortia non detinere. And this sentence seems sufficiently probable to me for the same reason that was adduced in the preceding Doubt; for if a sick person deprived of his senses can lawfully and ought to be absolved, who has given no sign of consent, provided he has lived chastely, because prudently it may be assumed that at the end of life, if he has some momentary interval of lucidity, he desires with all his might to receive the sacrament of absolution more perfectly; similarly a Catholic man can and ought to be absolved (understand always under condition), even though he is deprived of his senses in actual sin; for it may also justly be assumed that he himself, being constituted in imminent danger of his damnation, desires with all his might the conservation of his eternal salvation.

The dire Catholic man; for thus it should be said of the heretic, as rightly notes Holam, n. 594. Heretics, even if they give signs of penance in that case, should not be absolved unless they expressly ask for absolution, because such signs can never be prudently presumed to be given in order to confession, which they abhor above all. 484. — « Secunda. When either the penitent or the confessor shall approach, suffices the formal integrity. The reason is because then the material integrity is not morally possible,

which amounts to saying that it follows in sequence of case. 1. If a penitent, for instance an infirm one, should fail in respect to one or another sin mentioned, it may happen that he lacks [the capacity] or there is a serious danger lest he lack [it].

» 2. Si poenitens, v.g., infirmus, uno alteroque peccato dicto, deficiat vel sit grave periculum ne deficiat. If a sick person, willing to confess, while he is being given Viaticum, apprehends that many Confessions made by him have been rendered invalid, and considers the gravity 1. 3. R. 75. 6 (See what was said in number 260.) If the Priest himself, being constituted in danger, should seem to appear before the mode 4. If at a time of pestilence there exists, by prudent judgment, a morally certain danger that the Confessor may be compromised; yet if one wishes to hear the whole confession, he will be bound as a penitent. 485. — Similarly teaches Concina p. 339. n. 2.

Wigandt. tr. 13. n. 102. Abelly p. 139. 5. q. 5. sect. 2. punct. 2. n. 13. cum tunc Confessarius, audito alio quacumque peccato, potest eum statim absolvere. Thus likewise probably excuses qu. 1. R. 2. To confession materially intact, if this be very prolix with a grave note of repentance, while necessity urges either communicating or celebrating, and time does not suffice. Moreover, it is by no means to be excused that which, on account of the prolixity of the Confession, others might easily suspect to be grievously laden with many sins. 486. — « 5.

If a conflict looms, or if there is a multitude of those perishing, for instance in shipwreck, and it is not possible to hear all. In which case they might all be absolved by a single word spoken at once as one sin, which is less blameworthy (or even according to some, if otherwise it could not be said today in general terms that they are sinners), by saying: I absolve you, etc. See Sa, v. Absolution, and conin. Of the sacrament, question seven, dubium six: "There will not, however, be a sufficient impotence if there has been a concourse to the same confessor by many, as desired in proposition thirty-six among those condemned by Innocence XI. " 6 487. — "Third." When from a certain confession or circumstances there is feared a just grave damage to one's own body or soul, or to that of another, whether of the Confessor or of another, corporal or spiritual, LIB. 290. VI.

TREATISE. Fourth. OF PENANCE. CHAP. I. "It can be kept silent." The reason is that a divine precept concerning weeping does not obligate with such inconvenience, to the extent that one could sin by confessing, for example.

I. Potest id reticeri. If the Priest is certain that the penitent is about to

reveal (understand this with reference to Can. n. 527, which states that the penitent himself is not bound to reveal), II. If she knows it, for instance a woman from a certain sin which will be in the confessional a danger of ruin. III. Si sciat, v.g. mulier ex certo peccato sibi vel in Confessorio fore periculum ruinae. If penance itself involves imminent grave harm, whether in terms of loss, or danger to life, or reputation. Tamen in his casibus necessitas detur requirendi confitendi vi, v.g. ob Communiam annuam, vel si longo tempore alioqui esset differenda.

(Di can. Lugo, de n. 123. sufficiens etiam habere necessitatem dimidiandi Confessionem, qui esset in peccato mortali, et deberet per duos vel tres dies alium Confessarium spectare.) Vide Fill. f. 27. c. 6. Card. Lugo, ibid., where he warns that such damages or perils are not easily feigned; and indeed they have scarce any place in a religious person. "Fourth." Si quis aliquod peccatum vel circumstantiam non possit confiteri sine violatione sigilli, v.g., si invalide absolvis simoniacum, nec posses confiteri, nisi illi qui facile inde posset coniicere quismam ille esset. 488. — From all that has been said above it follows that even those excusing themselves from integrity of matter are to be excused: I.

Who have a case of reserved matters, of which see below, and 5. f. 6. c. 12. » But concerning this, see no. 265. v. What. II.) » II. Scrupulous is he who is continually entangled in forgotten obligations. » (In the same way also in the commentary on chapter 150 with "et" and Stoto.) » III.

Whom the Priest absolves before the end [of the confession], willing to hear all, as it is related in Quem fallit memoria, so that he may say that he knows in general what mortal sin he has committed, not encountering however the species of the sin: although at that time some consultation might add a venial sin. Thus, the Commentator. » and so forth against Sot. and Medianm. V. He who extends himself says that he grieves over sins, yet in species, not even venial ones, does he know how to say: although one might, by way of speculation, be absolved, it is nevertheless not expedient for practice, but rather let him communicate with the given blessing. Thus whoever cannot confess some sin without implicating another in the offense, for example, if he has sinned with a mother or sister whom the confessor knows, then, since if he cannot have another confessor to whom he is bound to go otherwise, it would suffice, nay should be said that he who kept silent about having committed with her, or in general any fornication or incest in his mind, thereby missing the first step, or concealing himself as far as possible without revealing the accomplice, would have sufficiently confessed to another priest at a subsequent opportunity, provided that the confession of sin is complete.

Thus » probably Bon. 6. Vasy. . 307. Whereby such a matter will not be held to remain silent about that sin, so as not to complicate the infamy, unless it can conveniently (which Card de Lugo also extends even to non-complices, without whose manifestation the sin cannot be explained), hence the confessional is to be watched over, so that persons are not named, except where the work of the one putting forward would require it; for then this infamy is not esteemed so great, and he will impute it to himself who has sinned. However, the convenience of direction must be weighed against the infamy. The reason for what has been said above is that in these cases morally a material confession cannot be fully integral. c. 3. t. 4. Res. 64 et 131 d.p. 1. f. 7.

» R. 49. Let. lib. 2. c. 11. d. 11. 1. 2. Chapter 9, §2, where it teaches that it is probable for such persons to confess their sorrow due to the consolatory affection they feel towards a friend or learned Confessor, even though they may have another person. » 489. — Whether there is an obligation to confess a mortal sin which cannot be explained without revealing the complicity of another? The first opinion denies this, and apart from Naos, also those who hold otherwise according to Diana p. 1, tract. 7, as stated above. R. 49. with Soto, and Piget.

Reason why (as they say), the natural precept of preserving the reputation of one's neighbor is represented as being positively preserved through the integrity of confession; and this probable opinion is held by Busemb. and n. 368 with Bon. 10. q. 4. n. 7. n. 6. p. 49, and n. 128 with S. Bonaventura. Saint Anthony. Cajet. Th. qui in Opuscul. 12, q. 7, sic dicit: « Si speciem peccati (ponens) exprimere non possit » nisi exprimendo personam cum qua peccavit, puta si cum sorore concubuit, necesse est ut exprimendo speciem peccati exprimat personam. But if it is possible, it should seek such a confessor who does not know the person of the sister. And the same is taught by St. Bernard: « Of no one speak concerning sin, except in confession; where your sin cannot be otherwise manifested. » The reason is that the precept to keep one's confidence intact should always be observed and can lawfully be kept; and it can sufficiently be lawfully observed in our case, since the disclosure of another's crime is not unlawful when done for a reasonable cause, as is taught in the same place, 2. q. 63. ar. 2., hence it should be observed; and thus the opposite reason responds to the first proposition.

Beyond that, by consenting in sin, one has already lost the right to his own reputation with regard to the confession of that sin: We have said it is a mortal sin; for, in order to explain a venial sin or another mortal sin confessed, it is not permissible to manifest the grave crime of another, as rightly say Lugo d. 16. n. 412 and 413. Vioa q. 5. art. 7. n. 5. . 2. c. 9. §. 2.

n. 15. et q. 3. R. n. contra Regni, et Verric. It is held that the penitent, when conveniently able, should petition some Confessor concerning whom the identity of the accomplice is unknown, for his sake chapter 2, section 15. VI. TREATISE.

Fourth. OF PENANCE. CAP. I. let it be observed; nor does the opinion held by Tournel appear sufficiently probable. Preface, p. 207, v. I said, Renzi c. 2. sect. 2. qu. 10. with Fag., who cites Suarez (but not well, as we shall see shortly), likewise Med. and 16. n. 3q2., namely that this is only of counsel; for commonly they say this to be of precept. In section 34. sect. 2. n. 1., it states: "If the Penitent" can confess to him who does not know the identity of the accomplice, "he is bound to do so": and on this point all agree. Note 12, with commonality, Antoine page 607, note 59, question 3.

R. 2. . 5. art. 7. n. 5. qui habet certum, ac Lugo loc. cit. cum Vasq. et Con. 490. I have spoken when it is convenient; for according to the opinion of many, the penitent is excused from inquiring about the causes following the confessions sought by confessors, namely I. If there should be a pressing need for the punishment of death, or for the annual precept of confession or penance; thus Sporer p. 226. n. 472. et art. 5. II. If the penitent should incur a note of infamy by not celebrating or communing, according to . 34. sect. 2. n. 13. Lugo, dated the 16th, number 416.

If anyone were to exist in a mortal sin, and should expect to exceed two days; it is said that . c. n. 8. c. et Reni, with whom ; and this does not seem to dissent from Antoine c. 2. qu. 13. R. 3. ubi dicit absolutè non teneri ad expectandum, qui est in statu culpæ mortalis; et Lugo n. 416 putat talem minus obligari ad differendam confessionem, licet postea subdat: « Non parum hic faciet, si per biduum differt confessionem ». And Herincx, and those cited at n. 123, consider a delay of two or three days to be excessive. IV. If it is believed that a complex has ceased from its own law of reputation, for example, if a brother has sinned with his sister, whom he knows he cannot approach in confession except by going elsewhere; If someone who is accustomed to celebrating daily or communing daily were to omit the celebration or communion, it would be grave, Lugo d. 16., n. 416. VI.

If anyone should open his conscience to another confessor other than the usual one, VII. If he were deprived of the Jubilee benefit, or the benefice of indulgence; Renzi l.c. with Cotonio, and n. 416. VIII. Frequently excuse themselves mothers and wives revealing the sins of their children and husbands in Confession, who knows these; for they commonly do this either to seek counsel or to mitigate blame; otherwise it would be less harsh for novices to approach new confessors; Croix l. 6. p. 2. n. 1145. IX.

If anyone, because of the consolation which he feels from a friend or a learned Confessor, does not wish to seek another, although many D.D.'s [Doctors of the Church] say . . n. 973.

But let them say that it is no more than venial to manifest a crime against one or another virtuous man; hence it says . 491. — But this Bull N. SS. must be diligently observed. P. Bened. XIV, beginning Ubi primum, as you will find at the end Tami, IX, Decree. IV, where the Pontiff strictly prohibits the confessor from inquiring about the name of the complicit sin from those who have defamed him. Therein he especially detests that practice of theirs, "who from those who reproach" (the words of the Bull), sought to inquire about the name of a complicit sin, and would endeavor not only to induce them by persuasion to reveal it, but also, which is more detestable, he likewise denounces, if they did not reveal it, that they should absolutely negate sacramental absolution and altogether compel and press them. Then the Pontiff imposes the following penalties upon those who contravene, saying: "Moreover, we ordain that whoever shall have dared to teach that such a practice is licit, as it is condemned in our aforementioned Brief... or to have written or spoken in defense of such damned practice; or to impugn what has been decreed against the same practice in said Brief, or rashly to twist or interpret it into other senses; let him himself fall into excommunication from which he cannot be absolved except by us."

» Speaking however concerning confessors inquiring after the name of a complicitor, 'if he who has been accused should stir up and manifest the matter, by giving a sacramental absolution,' he says: 'Let them know that beyond the course of a lethal sin they will be subjected to suspension from hearing confessions of the Office, as well as to other and more grievous penalties. » Et infra addit Pontifex quod quicumque non ex Confessione sua, sed aliunde aliquem noverit Confessarium exquirentem nomen complicis cum denegatione absolutionis, tenetur illum intra solutum terminum denunciare sub penis consuetis. However, it embraces the case wherein the Confessor, out of simplicity, might do this, saying: « Although imprudent and evil, yet a certain simple and naked act was done, that is to say, one destitute of those circumstances which from corrupt credulity or from bad adherence to practice are condemned in our Breviary as illicit, thereby rendering the same Confessor suspect for what is deemed licit. » » Recte autem dicunt P. num. a1. et Auctor.. speciosissimo praetextu colorare tumque emendicatis quibusdam Doctorum opinionibus defendere non dubitarent. However, confessors are well able and bound to inquire about necessary circumstances, namely those which either modify the appearance, or need to be inquired into, so that the conscience of the penitent may be consulted; for instance, if the confessor should inquire

whether the accomplice is present or absent, whether she is a servant, whether she lives in the same house, although the accomplice comes within his knowledge. Moreover, beyond the necessity of explaining, circumstances of the sin, Mass. i. 3. p. 36g. n. 1. ex Lugo, Soto, Armilla.

Diana, Aorsa, etc., speaking of the aforementioned Bull, say thus: "If serious damages were feared from the complicit, which the Confessor alone knows." 2g1 LB. VI. TRACT. Fourth. FROM PONTIGNY. CAP. I. could impede, it would be manifested to him all that was.

The author, cited in Common. in Anotine I. c., says thus: "It sometimes happens that penitents are compelled to reveal their accomplices, since grievous evils are to be avoided which could verge on pernicious ruin for the Republic." That a malum might be impeded, if it can happen, obliges the penitents to expel the counsel of Confession, which for its own prudence or by itself, or through the penitent himself, seeks remedies; and unless the penitents wish to reveal, the soul is to be absolved; for according to law he is bound both by justice as much as by charity to care manfully that public safety may be in security. Of damage to life, when it can be imminent to some private person, I do not speak, for almost always by suppressing the names of accomplices, the priest can give counsel. Thus of the penalty AA. Hoc tamen de hoc quid sentiam, mihi habeit exponere. No doubt it is held that penitents sometimes are required to manifest their complicity in order to prevent some grave harm; but considering so rigorous (as we have seen) the Postificial prohibition against revealing the name of the accomplice for the purpose of effecting correction, at the end of the journey proximate infamy, injury to the Sacrament, violation of the seal, scandal, etc., as expressed in the Bull, it is not licit to inquire after the name of the accomplice in the Confessional.

Wherefore, in the case where the penitent is truly bound to disclose his accomplices, the Confessor can impose upon the penitent in general that he reveal his accomplices to someone who can prevent scandal, but it will never be licit for the Confessor to say: "Reveal them to me." Si vero penitens ex se et sponte sua rogaret Confessarium ut complicesm corrigeret, tunc Confessario multa prudentia opus est, nam ordinariè loquendo non expedit ut se immistiat in hujusmodi rem; ipsi enim tantum incumbit curare damnum sui penitentis, non alienum, et solummodo intra Confessionem pro extra; et ex alia parte Confessarius difficulter assumet hoc minus corrigendi sine periculo scandalii et offensoria sacri ministerii. ## ARTICULUS III. ## Quae sint reliquae conditiones Confessionis. 493. Confession must be vocal. When it is permissible, or there is an obligation to confess in writing? — 494. It ought to be secret.—495. It ought to be true.— 496.

When shall a lie in confession be venial? — 497. When mortal? 495. — "RSP." Besides integrity, there are these three: The first is "and be vocal, namely ordinary, this being done for the use and reward of the Church seriously obligating, unless a just cause, such as physical or moral inability, which if present can make it just, written in black: e.g., if someone cannot speak due to friendship, or a girl excessively modest who cannot otherwise express herself except by writing, whereby at the place of the confessor, add voice, about these I have access. Sær. Vasquet, Cord. de Lago, On Confession. DOUB.

THESE. ABOUT. III. 295 1. . t. 6. c. 6. n. 3. 2 (Ita etiam Sabn. de Pom. s. 7. n. 11. cum inter cunctos, de Privil. ubi dicitur: Nisi articulus necessitatis occurrat, sanctificanda est oris confessio. The same authors also state concerning him who, on account of an impediment in speech or great difficulty in confessing verbally, acknowledges this. They also have the same sentiment. .)) a. But he who cannot otherwise is bound according to common opinion to confess by a nod or in writing at the time of the precept; although this as regards written form is not admitted by Nao. in fin. and n. 479. See C. de Lugdunensi, d. 15, n. 87.

Similarly it should be advised that they confess in writing (although they are not bound by this), so that others do not hear them: for the same reason they should not be questioned, except about matters entirely necessary, according to Thomas Aquinas. Reply 127, and page 5, treatise 6. R. 5.) Whereupon I resolve: "He who outside the necessity of the entire Confession makes it either by nature or by writing mortalistically sins, and consequently is not absolved." t. 4. R. 127. from Sylvius. See Fil. tom. 1. tr. 7. c. 1. Conc. d. 5. dub. 1. . 21. sect. 3. n. 5. 494. — "Secunda conditio, ut sit secreta, id est, ut fiat soli Sacerdoti, non quidem ex necessitate, sed usu Ecclesia."

Publica autem, qualis in naufragio, prælio, hospitali, ubi alii adjacent, vel per interpretem fit, non obligat (saltem respectu peccatorum occultorum), nisi ex caritate sui, eum qui in articulo mortis dubitat de contritione; ac tum adhuc sufficit ea confiteri quae minorem pariunt infamiam. Ita. 4. Whereupon I resolve: If anyone should have forgotten his sins in previous Confessions, he is not even bound to confess them publicly or through an interpreter at the point of death; because the confession of forgotten sins obligates only by a positive divine precept, which in this case ceases to apply. V. t. 4. R. 128 et 129. 498. — « Tertia conditio, ut sit vera: quod requiritur essentialiter in materia substantiali, et necessaria; quia alias in re gravi deciperetur judex, neque esset confessio integra,ideoque irrita. Non tamen in materia libera, tum quia falsitas agni in accusatione circa

materiam accessoriam non facit sententiam irritam: tum quia talis tantum peccat venailiter, cum non sit graviter injuriosus Sacerdoti nec Sacramento.

Thus Navarr. Whereupon I resolve: 496. — « 1. It is neither mortal nor irritates the Sacrament I. If in confession one lies lightly regarding matters that are not pertinent to the things being confessed, or are not necessary for the Sacrament: for example, if one narrates a false history, or denies a venial or mortal sin which one is not bound to confess. Would one greatly sin who denies in confession having committed some venial sin, or confessed a mortal sin otherwise? Cajet affirmat in II, 2.

Doctor Thomas Aquinas, question 6, quesionarius, article 1. Armilla ap. Renzi book 2. chapter 2. section 2. question 3. Because (as they say), this seems to impose a grave irreverence upon the Sacrament: and on this point P. n. 6 in D. doubts greatly, who says: "If he refuses to confess the truth which he is bound to declare, or if he falsely denies it," he mortally sins. Whereby P. Concina does not excuse mortal sin if one knowingly exposes oneself to the risk of grave faults. But altogether to be held the opposite to the common sentiment, which teems Busemb. as above, and Lugo d. 16. n. 98. n. 5.

Antoine p. 511. qu. 13. n. 17. q. 5. Response 1. Renzi t. c. et Bo-nac. p. 2. §. 2. n. 12. cum . et aliis passim: ratio, quia, cum illa non sit materia necessaria Sacramenti, tunc minime decipitur Confessarius in re gravi. As for the text of St. Thomas, the clear response is given; for there the Holy Doctor speaks solely about unwillingly confessing the truth in a civil judgment when one is bound to speak it: but in the Sacramental forum it is certain from Trent that there is no obligation to confess venial sins; hence the denial of a venial sin committed, or of a mortal sin already confessed does not exceed the malice of simple lying. « II. If falsely you are accused by another of a venial sin; yet if that will make it a mortal and grave sin, when you do not give other matter, so that thereby you render an irritated form and the Sacrament invalid, unless you do it out of scruple and perturbation. Thus Suárez, Filius tom. 1. tract. 7. cap. 4.

4. tom. 6. cap. 8. t. 4. Reply to Question 6, Article 497. – “2.” Sacrilege is, and there is no absolution. If mortal sin, which you are bound to confess and think it to be, either deny or feign an understanding of it. 2. That it is commonly taught against Si neges, or mentiaris concerning other sins ritually absolved; when the Confessor, as judge or physician regarding them, asks something necessary for the present Confession. Card. de Lugo dicit secunda decima sectio tertia caput decimum sectionis duo paragraph duo.

» otherwise, if for the present Confession he does not do it there. » » If anyone affirms a mortal sin which he did not commit, or denies having committed what he did commit, he commits two mortal sins: one against the virtue of Religion by reason of the reverence due to the Sacraments, and another against the virtue of veracity gravely harmful to himself; thus rightly and Sporer n. 482 with others. ## ARTICULUS IV. ## When confession is invalid, and how it ought to be repeated. 498. May the Confession be valid before the Confessor who is excommunicated? — 499. Whether it is valid before a deaf person, an illiterate person, etc. Whether it is valid before someone who has not heard several sins? — 500. Concerning the confession of sins to the confessor. — 501. When shall Confession be invalid on my part? — 502.

How is a confession made to that confessor to be repeated? — 503. What if a culpable sin has been omitted innocently? Whether confession can be abbreviated for a great concourse? — 504. What about the rustics who have never explained the species, nor the number? — 505. There is no obligation to repeat Confessions, unless it be established that they are void. 498: — "Resp. 1. This happens from two aspects.

Firstly from the standpoint of the Confessor: if he did not have jurisdiction, or certainly it was impeded by censure (it should always be avoided, and especially if tolerated; Roncaglia c. 1, q. 1, et alii passim); or if he substantially avoided the form, or did not intend to absolve, or did not understand any sin as null. 499. — "I say, no sin, because if by reason of deafness, sleep, or distraction, some, although mortal sins, were not understood without grave negligence, it is more probable that the absolution would have been valid, and only thereafter should confession be repeated upon hearing, contrary to what others teach in Henryq. . 5. tr. 6. c. q. t. 4." R. 108. I add, without fault: because if through semi-deliberate malice the penitent hears a lie, sins, and the Confession is invalid, therefore it must be repeated . 2. c. 10. §. 3. Finally some add without guilt: because if through semi-deliberate malice a heir hears with intent to deceive, you sin, and the Confession is invalid, therefore it must be repeated, 2. c. 10. §. 3. But that is what Suarez says; therefore, a confession made in good faith is not something that needs to be repeated. Thus Henry. Mor. c. 10. n. 69. t. 4.

Resp. 121. contra Vasq. I said in good faith; for if in bad faith, e.g., because you have sought out a Confessor who cannot heal you, you must repeat: since you have sinned in act and confessed, you were not properly disposed, and therefore also not absolved. 2. c. 10. §. 3 (Thus the Confession should be repeated due to the Confessor's ignorance when the

penitent already knows him insufficient; or when the Confessor clearly does not perceive the gravity of his sin. 28. s. 2. n. 12, and Lugo d. 16. n. 602. with Gabriel.) Henry Med. Syllable. Hurt.: etc.) But if from a finite confession you understand that the Confessor has perceived something; whether due to sleep or distraction, you do not know what those things are, you should carefully repeat the Confession if it was brief, because he can prudently doubt about each one: but if it was lengthy, 2 9 8.

L B. I V. TREATISE. V V. Penitence. CAP. I.

"If it shall last long, he says, the non-reception of the communion should not be retained; since it is sufficient to have been confided that you doubt, or that some exterior sins have been perceived by the Confessor." » Thus also Sabm. c. 9 n. 2 says with Dicast. and Leand., that Christ did not impose a precept of integrity with such great burden, although all may fall into venial sins, and in the same manner Lugo teaches. D. 1 6. n. 6 0. cum communiter.) 1 0 0. — Recte notant Sabm. de Panit. c. 9. n. 2 6. cum Lug. et. Even then also. and Holum. n. 727. cum Sporr, et communis. Finally they dedicate Sabm. d. c. 9. n. 26. cum. etc., that if one having tasted confesses the sin which neither he himself nor I would have known to be mortal, if afterwards I had known and you had been mortal, is not again bound to confess. Viewed finally. 1 7 9.

In the same place Sabm. with Soto, Lugo, etc., do not necessarily require that Confession be made in a similar manner if one were to discern the species and number in good faith: lest even mortal and venial sins, as well as cases of necessity, be overlooked. Reason, quia, et虽我尽力仅用Latin到English的直译方式来翻译，但这个句子包含了拉丁文与英文混合的情况("Ratio, quia, etsidebita...")，这在原文中是不常见的。为了忠实于原文并保持其结构，以下是直接翻译： Reason, because even though the debt of penance is not imposed absolutely or validly, from both sides it has already met what is required in value for the sacrament. Since indeed it is permitted, Christ the Lord to have instituted this sacrament, when such defects frequently occur. This amendment is to be understood, not that the number has been fixed, nor even that duplications or repetitions have not occurred; otherwise, the integrity of the Confession would be excessively compromised; as they have warned with the common Lugodist. 2 2. n. 7 7.

Elbal p. 2 7 6. 1. 2 5 4. et idem Sabm. c. 1 2. n. 1 9. cum Gabr. et Dicast. Because, although the prior confession was valid, a confession nevertheless ought to be made with due integrity. 1 0 1. — " Secundo. It is invalid from the part of the penitent, if the penance has been imposed excommunicated, insofar as he has died with a mortal sin, or even if he falsely accused; it was negligent in his conscience to neglect the

examination of mortal sin; also if he was not contrite (which the father often does, whether by persuasion or otherwise, Confessarium stupidum, ignorantem, blind, etc. See c.). If also he did not take advantage of occasions, etc. V. 4. t. 4. R. 2 0 1. quibus addit potest ut plurimum, si peccatum carnale confessus sit tunc complici. » (High crime day - and thou art even the Bulla Bened.

XIV sub panis excommunicationis in absolventem papereservota. See Decret. I. Bened. XIV in initis Tomi XI, et vidi dedica ex n. 5 5 5. Response 2.

If the confession of the penitent is made before the confessor, it suffices to accuse him verbally of his sins in general before and after the communion, provided that this be recorded, at least in a confused manner, or in status and verdict of the person in common, or to place himself in temptation and resistance, as teach Vasquez. 3. d r. 4. R. 1 2 3. Insofar as these things are concerned, but only what has been confessed, it is thought that they will be remembered validly, even if illicitly, and will be absolved. Likewise, it is taught by Granad. et Merced. Cerusin 3. p. q. 9. n. 1, oumquibus. 5. t. 1 4. R. 5 1. se B. CONFESSIO. DOU. 18.

ARTICLE IV. 299 He considers it probable that one who withdraws can legitimately absolve. Fourthly, whether the Confession should be repeated, if the sins heard before death by the Priest are to seek absolution? It is commonly held among Doctors that a confession made to a particular confessor should not be repeated when it was prolix or the absolution was delayed, and the confessor remembers at least in a confused manner the status of the penitent. Ita Nao. d. 22. sect. 6. in fine, Con. d. 7. dub. 11. n. 109. sect. 2. p. 3. n. 15. Crus n. 116. cum communi. Doubt i.e., whether it is to be repeated, the Confession with the same Confessor, when the Confession was invalid?

The first opinion is probable, which those hold who c. n. 7 and Con. 1 c. distinguish, saying that if the Confession was lacking in no essential part of its essence in the Sacrament, namely because there was a lack of sorrow or integrity in the penitent, or jurisdiction in the Confessor, then the whole must be repeated. Reason, because in that case the confession was not sacramental. And to these opinions they agree in part, namely Crois n. 126, viz., in the case where the Confession was rendered invalid by a defect in jurisdiction in the Confessional, because then it was made without judgment. Otherwise, if the Confession was invalid on the part of the Confessor solely by reason of his own mispronunciation of the form, or because he did not have the intention of absolving. This is common among all (as Crix says, 1. c.) in such a way that the Confessor may remember the

state of the penitent. The second opinion is more common, and no less probable, which are held by 19.

Lugo d. i6. n. 638. 3. c. 2. n. 9. Diana, tractatus 4., pag. 3. R. 123. when common, with Sa, S. Aversa, and others ap. Croix d. n. 126. says, that whatever defect may occur, whether on the part of the Confessor because he lacked jurisdiction, or on the part of the penitent because he lacked disposition or integrity, it is not necessary to repeat the Confession; but it suffices if the Confessor remembers the state of the penitent, or gathers information about him in a confused manner, and the penitent accuses himself in common of all previously confessed matters. Reason, because although the first confession was not sacramental, either servile or made without judgment, yet its ratification is considered sufficiently efficacious, since the penitent subsequently accuses himself in general of all previously confessed sins, joined with the previous knowledge held by the confessor, which is deemed well sufficient. Moreover, because (as Croix 1.c. considers it probable), since the Confession, having been made in order to receive absolution, sufficiently constitutes a sacrament, inasmuch as it is also bound by the seal of the sacrament.

But the opinion of Lugo, n. 638, is not pleasing, which follows from Avrera. Croix n. 117., id est, si penitentia ex mera narratione dixerit peccata sua Confessori, et postea de illis in consumine se accuset, tunc pariter sufficiet quod Confessor de ipsis in confusione recordetur. But more correctly to say according to Croix, loc. cit., then the Confession must be entirely repeated. Reason, because at that time no confession was then sacramental, neither the first nor the second? LIB. VI.

 not first; because sins were not made manifest in relation to ab. solution, so that the confessor would not be bound by the sacramental seal: nor secondly, because sins have not been confessed individually as required by Trent, where it is said that all and every sin must be explained in sacramental confession. Doubt is cast. What if the Confessor does not even clearly remember the state of the penitent, but only the penance imposed? They say that this is sufficient for absolution, according to no. 19 and Dubitatur 3.

What if the Confessor neither remembers the state of the penitent, nor what penance was imposed, but only what penance he has prescribed? In this case they still consider it sufficient for absolution. Anton. Sylo. suffice, si memoretur se impossuisse poenitentiam. But I do not assent to this, because the Priest, while pronouncing his sentence, ought at least to form a judgment about the state of conscience of the penitent. In the case, however, where the Confessor did not find it impossible to perform

penance and does not now have even confused knowledge of the state of penitence, he certainly cannot licitly impart absolution, as rightly stated by Lugo n. 642. Croix n. 1218 et Si tamen tunc absolveret, facta Confessione in communi, valide absolveret, ut n. 6. in fine, et Croix l. c. cum Aorsa, Illsung, et Diana. 803. — « Resp. 3.

Rarely does a defect on the part of the Confessor hinder legitimate absolution if the penitent innocently ignores him; for in confession he will be absolved even by those from whom he sincerely thought himself to have obtained absolution. Whereupon resolves: "He who, from childhood, has omitted some grave sin, such as leniency, culpably or because he thought it to be light or none at all, is not therefore bound to repeat other sins (or interposed confessions), but only this one, as the Bonaventure teaches in the first book, chapter sixteen." Vasquez in I. P. T. 4. Q. 92. Sancius, ut cum melius cognoverit, omnia subjiciat clavibus; si tamen veniat, quando ingens est copia poenitentium, ut tunc disponi non possit ad omnia repetenda, posse eum absolvi, auditis tamen peccatis ab ultima confessione factis, cum obligatione, ut melius faciat. Thus it is said. Chapter 9, note 4, tome 4. R. 108. where he adds from Naon. lib. 6. cap. 5. sectio 4. num. 153. and John.

» I absolve; although from a culpable error mortally, such a sin, for example, if you have omitted some necessary circumstance of indulgence, such as lenity or another requisite condition, not therefore are you bound to repeat intermedial bona fide and legitimate confessions (in which the defect mentioned was not confessed), when they were valid and flow from validity. The opinion enunciated above by Busemb, namely that confession might be abbreviated on account of the multitude of penitents (although this does not hold absolutely), is prohibited by whom he said: "It is lawful sacramentally to absolve only those who have confessed fully, on account of the great concourse of penitents, such as can occur on a great feast day or an indulgential day." • 804. — Quod autem ad Confessionem rusticorum pertinet, dicit I. . Confess. l.: 3. c. 2. n. 9. cum Hurt. quod rustici et pueri, qui bona fide confessi sunt, omittendo explicare species et numerum suorum peccatorum, non sunt cogendi ad Confessiones repetandas; sed hoc omnino est improbabile; quia licet hujusmodi rustici non teneantur repetere integre Confessiones praeteritas, cum illae satis fuerint valide, ut dicunt communiter et merito n. 3. et n. 26. cum Dic. etc. ibidem n. 25.) quia ad tales Confessiones jam adfuerunt omnia essentialiter requirita; formalis enim Confessio est de essentia; non materialis; tenentur tamen explicare species et numerum omissum, ut saltem Confessionem praesentem integram faciant; ita Lugo d. 22. n. 77 sect. 2 p. 3 n. 6 et n. 13 et c. 12 n. 10 cum Sylvest. et alii passim. • Dicit II. P. Signeri (Instruct.) citans Perez et Lugonem d. 16. n. 585. (sed hunc non bene, ut infra

videbimus) quod si rusticus in Confessionibus praeteritis modo rudium in confuso peccata sua dixerit, non debet Confessarius eum obligare ut Confessiones repetat, quia peccata illa jam fuerunt directe absoluta. But this is not pleasing, for although those Confessions were valid on account of formal integrity and the peccata had been directly absolved, nevertheless they themselves were deficient as regards material integrity, which must always be supplied. And Lugo in the same place says that this difficulty can be more readily answered there, namely, he says that it could be due to the mere extrinsic probability because one might follow the opinion of those AA., who say that there is no obligation to again explain a sin previously confessed as a doubt if it is later known with certainty.

But we have already rejected this opinion in common n. 476. They say III. The Salmanticenses, cap. 9, num. 13, say that those rustics who, without fault, omitted to explain the number of sins are not bound to repeat the Confessions, provided they have adhered uniformly to a rule of life in past years, so that from the Confession of one year the Confessor can otherwise infer the rest. This assertion so broadly made does not suffice; for I hold that it can be admitted only when, at the beginning of the Confession, he makes known to the present Confessor what has always been confessed in the past years, omitting the number, and Confes- sionary LIB. VI. TREATISE. Fourth.

LET PENANCE BE. Gap. I. more readily from the beginning, by accepting the Confession for that year, it strives simultaneously to form a judgment about the past years. But otherwise it must be said, if after the Confession of that past year, the penitent should notice and wish to explain the omitted number of penances in the preceding years; then indeed, if from the present Confession he has a distinct knowledge of sins, he can certainly (if these are repeated in a prior Confession) form a simultaneous distinct judgment about the past years; but if from the present Confession he has only a confused knowledge of confessed faults, as often happens in longer and more involved Confessions, in that case (as well says Lugo d. 16 n. 6to.) it is held necessary to take up a distinct knowledge of species, and the omitted numbers in Confessions of past years; then such a confused state of penance's knowledge about the past years does not suffice for absolution, since on one side the penitent is sometimes bound to confess his sins individually which he never did; and on the other hand the confessor is sometimes required to form a distinct judgment about the faults. 808. — Moreover, this must be carefully noted: penitents are not to be compelled to repeat Confessions unless it is morally certain that they were invalid, as rightly say Crois l. 6 p. 2. nam. 121. Gobat, tr. 7. n. 275. Holan, p. 179. n. 683. v.

Reply. Maxiotis tom. 3. p. 362. et Elbed p. 281. n. 273. cum q. 12. qui inter rigidos Auctores nostri temporis non infimum habet locum). Ratio, quia possessio stat pro valore Confessionum praeteritarum, quamdiu de earum nullitate non constat. You will say: When there is a precept and doubt arises concerning its fulfillment, the obligation of the precept possesses; therefore in doubt regarding the value of past confessions, the obligation possesses to repeat them. But it should be replied that the aforementioned rule applies when there is a precept and doubt arises as to whether the act of fulfillment has been placed or not; but if such an act has already been lawfully placed and subsequently doubt arises as to its validity or invalidity, then it is to be considered valid; for in such a case another principle prevails, namely that in doubt something is held to have value, as commonly taught by the Doctors of Lyons, book 1, chapter 5, note 32, according to the Gloss. In contraffictu, D. de reg. Jur.

Cross L. 1. n. 91. Sporer trans. 1. cap. 7. num. 78. Maxiotis t. 1. n. 74, qui asserit communem, et n. 287. ubi dicit: "Praesumptio pro actus valore praeponderat aliis." And as regards the obligation of repeating Confessions concerning recidivums, whose value is often doubted, this rule is excellently expressed by Habert in l. 6, p. 405, thus saying: "If a penitent at some time after Confession has made worthy fruits of a penitent's merit, that is to say, if he has fought against temptations and resisted occasions of sin, the Confessor will judge the Confession to have been valid." Thus if he should fall even a little while after Confession, or on the first occasion given. » Then indeed, I add, truly morally speaking it is certain that Confessions were null, for he who in Confession truly grieves and proposes amendment, at least abstains from sin for some time, and makes some effort before relapse; hence whoever after such Confessions again soon and without any resistance proceeds to satisfaction. BUB.

IV. ARTICLE I. 383 He has sinned certainly who is to be deemed to have had either an excessively slight pain or intention. Otherwise it must be said, if for some time it has persevered, or even before the fall has offered at least some resistance. ## DUBIUM IV. ## ON SATISFACTION. ## ARTICLE I. ## Concerning its necessity and quantity. 306. How is satisfaction necessary? And whether its omission is venial in venial sins? — 307. In which cases can a light power be imposed?

And can it be diminished on account of that: Whatever good you have done etc. — 308. When may a lesser power be lawfully imposed upon what is just? How much should it be according to Trent? — 309. Whether prudent fear, as a just cause for diminishing power, renders it right for one who repents to fulfill it? — 310. Authorities concerning this point. — 311.

Can it be imposed as an entry into religious power, or as a reception of conjugal status? — 312.

Whether and when public penance can be imposed or ought to be imposed? —313. Dub. 1. Can an obligation to perform another debt be imposed? Dub. 2. Whether penance is soon imposed after a debt? — 314. Can an internal work be imposed?

And whether a work can be imposed for the Dead? Is a cessation from some good work permissible? Can a penance be imposed after absolution? — 315. Under what obligation is the penitent held to accept and fulfill penance? —316. Dub. 1. Is a penitent bound to accept and fulfill a just penance under a grave obligation?

What if it is graver than just? — 317. Dub. 2. What if it is imposed for venial or confessed mortal sins? — 318. Dub. 3. May the confessor be able to impose a severe penance under a light obligation for serious sins confessed? — 319. Dub. 4.

At what time a Confessor may omit the imposition of penance during Jubilee or plenary Indulgence? — 320. Dub. 5. Whether if the penitent has forgotten the penance, he is bound to repeat the confession that he may receive it? — 321. Penitent fulfilling Penance in mortal sin. What delay is mortal in the fulfillment of penance? — 322. Dub. 1.

Whether an existing condition in mortality can suffice for the satisfaction of penance. — 323. Dub. 2. A sin satisfying in mortal? — 324. Can penance be imposed under a condition if it is relapsed upon? — 325. After the prescribed time has passed, does the obligation to perform penance cease? — 326. Whether penance can be fulfilled through another? — 327.

Whether penance should be fulfilled before Communion? — 328. Who and how can one exchange penance? — 329. Dub. 1. Whether and how a penitent is bound to repeat the Confession in that case. Dub. 2. What if penance has been imposed for reserved sins?

Dub. 3. May the penitentiary minister change the penance outside of confession? — 330. The principal Penitential Canons are noted. 306. — « RESP. I. Satisfaction, sive Poenitentia a Confessario data, est necessaria necessitate non Sacramenti, sed praecepti; ideoque a Confessario regulariter imponenda est, secundum Suarez, et l. 7. n. 12. sub mortali; tamen Card. de Lugo 304 LB. VI: TREATISE.

IV. DB PECCATI, CAP. I. It is conceded that on account of the littleness of the matter, one can venially sin; thus it has been stated in no. 25, note 47; namely, that a light penance should be imposed for sins of venial fault; for its voluntary omission deserves only venial pardon. » (And they consider it probable number 19. » when t. 9. Res. 44.

And who- according to the proportionate both to the sins, and to the capacity of the penitent. The priority of the former is because it is a part of the Sacrament that is not essential but only integral, having effect ex opere operato and greater power of the Sacrament than without it. The reason for the posterior one is both from canon 8, and because the Priest is bound to care for the integrity of the Sacrament, and also to vindicate it as much as to heal it. d. 5. q. 5. §. 3. p. 2. Whereupon it is resolved: 807. — 1. The confessor is excused sometimes if he imposes (even) very slight (or even no) penance, for example. I. Excusatur aliquando Confessarius, si levissimam (vel etiam nullam) penitentiam injungat, v. g.

Si advertat penitentem vehementissime contritum, aut aliter satisfactum esse. Caj. No. 5. qu. 3. sec. 3. p. 2. n. 1. et 2. n. 41. When however this rarely, or rather never, can be sufficiently established, it is safer (In fact necessary) that; as it rightly warns. C. de Lugo d. 23. sect. 4. n. 48.

II. If a penitent be mentally impeded, or otherwise disabled, or proximate to death, or very weak, yet prudently enjoined even slight penance, such as a percussion of the breast, an invocation of the name JESU (at least with the heart), other pious movements, or that through heirs sacrifices, almsgivings, and similar pious works be performed, moment Suarex, c. et c. does not approve; since it can happen that this greatly distresses the infirm, who fear they do not satisfy sufficiently. Here is noted what is found in the Roman Ritual: A light penance should not be imposed on Fridays, but merely indicated that one which they will perform opportunely if they recover their health. And the same is said in chapter On the Infirmed. 26. q. 8. They say however n. 21 and Dicast. d. 14. dub. 2. n. 14., that if an infirm person can satisfy through almsgiving, penances are to be imposed in the Confessional.) III. When a scrupulous person frequently returns to that same hour with new sins; because it is supposed that sufficient satisfaction has been imposed in the preceding ones.

Tan. l. 4. c. 1. ex . Even though the Confessor may be excused for an error common to many, if he imposes very little penance for great sins, Diana in part 3, treatise 4, resolution 92 thinks that he can be excused if he adds: "Whatever good you have done," etc. However, this rule cannot be universally applied, as the Cardinal of Lugo notes in day 25, note 57. "Canin. part. 6. t. 7." Res. 3. et part. 9. t. 9. Response - It is rejected by

others not undeservedly, insofar as the words, being merely supplicatory, do not have the power to elevate all good works to sacramental efficacy. Severe question 13.

Section 7. Whether by those words: Whatever good thing you do, etc., all good works of the penitent are raised to the effect of sacramental satisfaction, even though they were not imposed? It denies that this is true, Article 6, Question 1, Number 3, because the power of the keys raises the penitent's works to the effect of a sacramental satisfaction, when it binds; hence, since those words do not obligate in particular, it does not bind, and consequently the works cannot be raised. But much more probable and common is the affirmation of St. Thomas, n. 24. Fillius tractatus octavus caput secundum numerum trigintaquater. Sporer n. 569. with Reg. and Stoz., himself calls it probable. Reason: because the Church did not speak these words in vain, but for this very purpose, that all good works of the penitent, even though they arise from his own choice, might be raised to the merit of sacramental satisfaction.

This teaches all that 3. art. 28 says thus: "And these things which the penitent does beyond the expressed injunction (accipit majoris vim expiationis culpae praeteritae ex illa generali injunctione qua sacerdos dicit: Quidquid boni feceris, etc.). And as regards this, such satisfaction is sacramental insofar as it has the virtue of the keys to effect the expiation of the committed sin." 508. — “3. A minor is justly given for a lawful cause: what kind of cause, for example, see below. » it is one. Great contrition. « (unless penance is necessary to» medicine) » Fragility of the soul, or body, on account of which one fears that it will not be fulfilled to a greater extent; III. Time of Jubilee, or Plenary Indulgence of Indulgences.

Thus Suarez, Henry. It is certain that the Confessor must be held to act as Judge and as Physician in imposing on penitents a suitable satisfaction for their sins, speaking generally; for it belongs to the Judge to impose penalties commensurate with the crimes, and to the Physician to prescribe appropriate remedies both for diseases contracted and for those to be avoided in the future: thus from Trent, Session 14, Chapter 8, where it is said: "Therefore Priests of the Lord should, according to the prompting of spirit and prudence, impose suitable satisfactions for the quality of crimes and the capacity for salvation of penitents; lest, if perchance they sin negligently and act more leniently towards penitents, they make some slight works imposed for very grave sins into a participation in the faults of others." Let there be before their eyes, that the satisfaction which they impose may not merely be for the custody of the new life..., but also for the vindication of past sins and the chastisement. Therefore, the penitent is bound both to receive the Sacrament and to make reparation to divine

justice for the injury inflicted upon it by offering a penal satisfaction to God. Hence the Catechism rightly notes c. 5 n. 79: "That penitents may more readily recognize the depravity of their sins, it will sometimes be profitable for them to signify what punishments have been prescribed by ancient Canons (which are called penitential) for certain crimes." 800. — We have said, speaking per se; for accidentally the confessor diminishes penances on account of just causes, as described above by Busemb., and notably (as commonly the Doctors teach) on account of the weakness of the soul in which the penitent labors, and by reason of which it is deemed that he will not fulfill a proportionate satisfaction.

Thus D. Thom. suppl. Question 16. art. 4. (of whose words reference will be made below) 38. sect. 4. n. 4. cum communi, n. 21. Anacl. page 634. note 25. chapter 11. number 8. Abelly page 160. verse 3. Eibel n. 248. n. 12. n. 10. n. 46. and others similarly those who follow a stricter opinion, such as Habert de Pœn. cap. 10. §. 7. Question 2. and Natal. art. 6. Reg. 5. Reason, because although according to the reason of divine justice it is required a satisfaction adequate to the sins, nevertheless there must be reckoned the reason of merciful powers of penitence both of body and soul from divine clemency.

Therefore it is said in Trent: "That divine clemency may be deemed fitting that our sins not be remitted to us without any satisfaction." Note that without any satisfaction; therefore God demands not an entire satisfaction, but only some satisfaction from His own clemency. Et hoc facit id quod dixit D. Thomas Quodlib. 3. art. 1. « Si contingat quòd Sacerdos mitiorem satisfactionem imponat... nihilominus pœnitens ad aliquid ulterius obligatur; quod si in hac vita non perficiet, in Purgatorium exsolvet. » » Neither does it hinder that penance was prescribed to be imposed at Trent according to the quality of crimes; for there it is simultaneously stated, as mentioned above, that satisfactions are to be imposed according to the prudence suggested by the quality of crimes and of the penitents' salvific capacity and fitness. Note for the capacity of penance, that is, regarding their bodily and mental infirmity; and note what is salutary and suitable, whence rightly says the Author of the Office. Confessions according to Crouet, lib. 1, Question 50: "Salutary are not satisfactions by which penitents seem to find scarcely adequate compensation for their grievous faults, so that they may turn to their harm."

» Thus also Abelly explains on page 161 that word Salutare; "Nam id est," ait, useful for the salvation of penitents: for the confessor should have this alone in view, so as to attend to the salvation of the penitent. » Appositè etiam Antoine, quamvis hic Auctor meritò numeretur inter Scriptores rigidiores nostri temporis, tamen p. 516. n. 3. sic dicit: « Satisfactiones

vindicativæ ut salutare sint et convenientes debent esse proportionatae non solùm multitudini et gravitati peccatorum sed etiam facultati et dispositionibus pœnitentis neque enim salutare sunt pœnitentiae tam graves ac diuturnæ ut spectata pœnitentis fragilitate periculum sit ne eas omittat nam tunc in ejus exitium verterentur. In hoc autem Sacramento magis intenditur emendatio et salus pœnitentis quam satisfactio pro poena. Si igitur expediat ad bonum spirituale paenitentis, potest imponi lēviōris pœnā quā mērētur. Wherefore S. Anton. 3. p. tit 16. c. 21. says: "The Confessor ought to give such penance to the penitent as he believes will verisimilitudinously be able to fulfill, lest by violating it himself he bring harm to her." » And the Rituale Parisiense says: « The confessor should ask the penitent whether he can perform the penance imposed upon him; otherwise, he may modify or lessen it according to his own prudence. »

Thus p. 463. Collig. 2., ubi inquit: « Ex rationabili causa potest interdum Confessarius leviorem poenitentiam injungere, ut si poenitens gravi morbo sit oppressus, vel si sit periculum quod a confessione deterretur, aut poenitentiam injunctam non adimpleat. Wherefore Gerson in the Rule of Morals, p. 2, c. de Pœnitentia says: « It is safer to lead penitents to Purgatory by means of a small penance, which spontaneously arises and is likely fulfilled, than to precipitate them into Hell with great penance that will not be fulfilled. » And Cajet. in Summa v. Satisfaction, he says: "A satisfaction should be given to a pénitent disposed weakly, so that the small fire may be fanned, and that the applied chaff not be suffocated by superfluous wood." Moreover, Scotus, in his treatise on penitence where he speaks about a penitent who is weak in mind, says: "If he is so delicate that he does not wish to fulfill fasting, or rather if he does not want any penance at all, then he should be absolved and not rejected, lest he fall into despair."

And thus he concludes: "That which one imposes upon oneself with greater willingness, and which is believed to be fulfilled, must be considered as such." This is confirmed from the Ritual of Rome concerning the Sacrament. Penit. ubi dicitur: « Postremo Confessarius salutare et convenientem satisfactionem, quantum spiritus et prudentia suggesserit, injungat, habita ratione statûs, conditionis, sexus et ætatis, et item dispositionis paenitentium. » Note to the dispositionis. §10. — S. Carolus a. Concinnan p. 346. n. 14 sic præscripsit: "Canorum poenitentias ut tempora ferunt pro caritate et prudentia sua (sacerdos) minuet prout peccatorum circumstantiae requirent, in quibus rationem habebit contritionis.... Nec vero putent sua peccata levia esse quia parva illis poenitentia data est sed hoc factum esse ne eam quæ pro culpae ratione injungenda erat (nota) deserant cum periculo salutis suæ."

Therefore, penitents will be exhorted henceforth, that besides the works imposed, they will also be able to perform other things. He also added the same Archbishop: "Let him impose such penance as in his judgment the penitent is able to perform." » Therefore sometimes, if it shall seem expedient to him, he shall inquire of that penitent whether he can perform, or doubt whether he can perform the penance imposed upon him; otherwise he shall alter it, or lessen it. » » We err in imposing a slight penance; is it not better to render a reason of mercy than of cruelty? Item Hom. 44. Congruent enim, si fascem super humeros adolescentis quem non potest bajarare posueris, necesse est aut fascem abjiciat, aut sub pondere confringatur: sic et homini (nota) cui grave pondus poenitentiae imponis, necesse est, aut ut poenitentiam suam rejiciat, aut suscipiens dum sufferre non potest scandalizatus amplius peccet. This is confirmed by the Holy Doctor according to what the Apostle writes (2 Cor. 6:6 and 7): "It suffices for him who is such, this reproof which is given by many, so that from the contrary you may give him a gift and a comforter, lest he be overwhelmed with too great sorrow."

Whereupon Chrysostom proceeds thus: "From this we are taught that penance ought not only to be moderated according to the nature of sins, but also according to the mind and habit of sinners." Homily 4 on the Second Letter to the Corinthians. D. Thomas confirma (de cujus regulam dicit n. 12 servandam esse in imponendis poenitentibus) ar. 4 dicens: « Poenae satisfactorie in canone determinate non competunt omnibus, sed variandae sunt secundum arbitrium sacerdotii... Congruent ergo medicus aliquando prudenter non dat medicinam ita efficacem, quæ ad morbi curam sufficiat, ne propter debilitatem naturae magnum periculum oriatur; ita sacerdos divino instigio motus, non semper totam poenam, qua uni peccato debetur, injungit, ne infirmus ex magnitudine poenae desperet et à poenitentia totaliter recedat. » And it is evident from the context of that article itself that the Holy Doctor speaks not only of the weakness of the body, but also of the penitent's weak mind; for it seems most fitting that the priest not burden the penitent with a heavy satisfaction, because a small fire kindled among many pieces of wood easily goes out; so it could happen that the newly aroused slight affect of contrition in the penitent would be extinguished by a sufficiently heavy burden of satisfaction, the sinner totally despairing. Hence it is better that the priest indicate to the penitent what kind of penance he should impose upon himself for his sins, and yet impose upon him something which the penitent can bear tolerably: from whose fulfillment he may accustom himself to fulfill greater things, which even the priest would not dare to impose. And these things which exceed the express injunction make for a greater act of expiation of past sin, according to that general injunction by which the priest says: Whatever good you have done is to be reckoned to you in the

remission of sins. And the same Angelicus in Opusc. 65. §. 4., after having said: "The priest should not impose a penance so grave that the penitent will totally abandon... nor so light that he will contemn the sin."

Then he adds: "Nevertheless, it is safer to impose a lesser debt than a greater one, because we are better excused before God through much mercy than through excessive severity, for such a deficiency will be made up in Purgatory." The same point is more forcefully made by St. Anthony 3. p. tit. 16. c. 20. at the beginning, where he says: "Est autem satis rationabilis causa non dandi hujusmodi pœnitentias, indispositio pœnitentium, etiam quia aliquando non sufficeret tempus vitæ; nam (ut dicunt Raymund. et Hostiens.) debet Confessor dare talem pœnitentiam, quam credat verisimili- ter illum implere, ne ipsam violando deterius contingat." Quod si magna peccata commisit, et dicit se pœnitere, sed non posse aliquam duran poenitentiam agere, animeut eum ad hoc Confessor, ostendendo ei gravitatem peccatorum, et per consequens poenarum, et sic tandem injungat ei poenitentiam quam libenter suscipiat. Et si Sacerdos non potest gaudere de omnimoda purgatione ejus, saltem gaudeat, quod liberatum a gehenna transmittit ad Purgatorium. Therefore (as Host says), the Confessor in no way ought to permit a despaired sinner to withdraw from him, but rather he should impose upon him even one Pater noster or some other light penance, and that what good things he has done and what evils he has endured may be for his penance, according to the canon 10, number 46. Croix n. 1255. et Lugo l. c. ex D. Antonino, ut supra, quod est causa etiam satis justa minuendi poenitentiam, ut poenitens majori amore afficiatur erga hoc Sacramentum.

Thus likewise speaks the Author, p. 131, q. 3, in fine: "It is most necessary to study how necessary penances can be fulfilled by penitents without great inconvenience and without confusion; for experience daily teaches us that importunate and excessively burdensome satisfactions break the minds of penitents and remove them from their execution." » And Cardinal de Lugo, on the 25th day, n. 60, thus says: « Penitence ought to be salutary and convenient; that is, it should first of all attend to the utility of the penitent, so as not to place traps for him whereby he might commit new sins; from which chiefly can be excused today’s practice whereby light penances are imposed for grievous sins; for this often happens because of the spiritual infirmity of the penitents, since graver penances would scandalize them and either they will flee Confession, or certainly they will seek out incompetent confessors. » However, moneuds are given to penitents regarding the insufficiency of the satisfaction imposed. » Wherefore wisely observed St. Thomas de Villanova (Sermon. Bear it. VI. after the Lord.

Lextare): "In this judgment you will so fully satisfy me, if you have imposed an easy one (penitence), but have sought a more severe." » Optimum est practicandum. From all these things it is gathered how imprudently the confessors conduct themselves who impose great penances which the penitents foresee will not fulfill. How many more unlearned Confessors are found (this I speak according to experience in missions, in which I have been engaged for nearly thirty years), who do not hesitate to absolve those who either are in the immediate occasion of sinning or are recidivists and indisposed, and foolishly think they are curing them by imposing heavy penances; hence it comes about that although they accept penance so as to obtain absolution, yet after obtaining the absolution, they miserably relapse soon because no remedy is prescribed to them whereby they might be preserved from falling again, and thus they do not fulfill penance nor escape its gravity. VI. tracr. IV.

OF PENANCE. CAP. I. detested, then repelled by Confession, and thus they long remain in the dross of sins. But I think it should be noted (except in the case of grievous infirmity or most vehement contrition, as was stated above, n. Soy.) that a Confessor would not act well if he imposed penance for mortal sins which is in itself light and thus imposes a light obligation. For although a light penance may be imposed if expedient for respective sins, nevertheless regularly some grave penance should always be enjoined, which induces a serious obligation. 811. — « 4. It cannot be enjoined at the time of entrance into religion, as Sa teaches. Satisfaction, because that seems excessively harsh. 2.

Public penance, si sit periculum revelandae Confessionis, aliis interdum pro publico peccato potest, et expedit. As regards the first point, it is commonly held among the Doctors that entrance into religion cannot be imposed as penance. Thus n. 11. and Escob. lib. 17. n. 166. with Nao. Sa, Sylvestre, et Henry de . De duobus principiis secunda secundae sexta quaestio secunda articulus. Whether, however, it is possible for someone to be commanded to receive the Sacrament of Matrimony? Leand affirms.

D. q. q. 35. with certain ones, in a case where the Confessor knows the Marriage to be that person's necessary remedy. But it is better to disapprove of this. c. et cum. 812. — As regards what follows, it is certain that public penance cannot commonly be imposed for a hidden sin, as is generally said by Palaus p. 21 §. 2 num. 5. Cross n. 1265. and others frequently; because, as St. Thomas teaches. Now. Elbel, per hoc indirectly would be revealed the seal: this is expressly prohibited in the Rituale Rom.: "For secret sins, even though they be grave and manifest penance should not be imposed." "As for a sin openly committed, it is doubted whether public penance can be imposed?" They deny Nao.

Yes, loc. cit., §. 3, n. 5, quia haec esset manifestatio Confessionis, et violatio sigilli. But commonly they are able to affirm . c. . 37. sect. 6. n. 3. num. 14. Cross n. 1264. q. 7. Antoine p. 517. R. 2. num. 39. . 238. et Escob. l. 17. n. 154. cum Idque expresse docuit d. 14. q. 1. a. 5. q. 1. ubi dixit oportere, « ut peccatum publicum publicam habeat medicinam ». It is proved 1. from cap. Manifesta. 1. de Penit. et Rem., where it is said: "Manifesta peccata" are not to be purged by hidden correction.

» And from c. 8: « To this (that is, to the public sinner) a penance corresponding to the manner of guilt ought to be publicly imposed. » And in this place the Council also speaks about the sacramental forum; many understand thus from the cited AA. against Nifo, who understands not without some foundation, as will be shown below, that it refers to the external forum. It does not hinder to say that such public penance would be a manifestation of Confession; for since it is imposed necessarily by the consent of the penitent, if he wishes to be absolved, that manifestation rather proceeds from the free action of the penitent than from the command of the Confessor. From hence they say: ex. Nevertheless, rightly do the Regulars in practice 6., and with the Consent and Adversa, place it in a case solely where otherwise scandal could not be remedied except through that public penance, for example, publicly restoring honor to someone publicly dishonored. Moreover, si publica poenitentia non sit ita necessaria, meritò dicunt præfati AA. non debeo Confessarium illam imponere reluctanti, cùm aliter possit salus obtineri poenitentis, et scandalum reparari, nempe per publicam frequentationem Sacramentorum, visitationes Ecclesiarum, auditionem Missarum, ingressum in aliquam Congregationem, ubi pietatis opera exercentur, et similia.

Hence Fagnanus in the same chapter states that the Sacred Congregation did not wish to declare whether public penance should be imposed in the sacramental forum for public sins. §13. — « 5. Even though it can be done, and sometimes is expedient on account of the frailty of the penitent, to impose another debtful work or precept, for instance. The hearing of Mass on feast days, etc., as Suarez and Vasquez teach. » 5. tract. 6. cap. 15. and others (Wherefore if a scrupulous person frequently returns to the confessional, within a brief time always confessing anew, it is not always necessary to impose a new penance, since the work may be imposed before it is due. de Lugo, t. 7. R. 6. contra . » 4.

R. 8.4. See Const. of December 10, doubtful no. 8, and treatise no. 4. Reference 241. Therefore there is doubt i. Can a work other than that due as penance be imposed for penance? They deny that penance can impose

another debt.

Scoto, sectio 3., quaestio 5., et Antoine consentiit in pagina 517., quaestio 3., ubi dicit semper esse imponendum aliquod opus supererogatorium; quia opus aliunde præceptum præstandum est à poenitente, etiamsi non confiteatur. But commonly and rightly Lugo d. 25. n. 67. 1. c. 14. p. 5. . 38. sect. 6. sect. 3. p. 2. n. 12. n. 28. n. 10. Escobar, lib. 17, n. 170, tit. 4. R. 83. with Vasq. Tower. Duear. p. 21. §. 1. num. 10. cum Nao.

Soto, quetio 6. R. 2. cum Con. et Candido, ac num. 28. cum Aversa, unde qui audiat Missam die festo ex voto debitam habet duplicem meritum; ita qui impleat opus alius præceptum injunctum simul in poenitentiam. This they nevertheless rightly advise should not be done unless the frailty of the penitent is taken into account, as Sporer cites. Commonly however they say the Doctors that unless expressly the Confessor imposes an alias precept, the imposed work is understood to be supererogatory. See. c. who cites it. If however the Confessor imposes hearing 3 1 2 LIB.

VI. TRACT. Fourth. OF PENANCE. CHAP. I. During the course of a month, there is no obligation to hear two Masses on a feast day, as sufficiently commonly taught by Con. d. 10. dub. 8. n. 6. tr. 3. d. 19. p. 1. n. 4.

Cross n. 1281. Ebel n. 235. . 564. et . 30. cum Bon. Mercero, and Diana. It is doubted 2. And if a penitent immediately after absolution commits another sin, will it suffice for him to impose the same penance? They affirm on page 2, number 3, and at Croix number 123q., for the same reason as above.

But rightly do Palaus p. 21. §. 2. num. 10 and Roncaglia c. 1. q. 6 condemn it. R. 2. cum Candido; nam licet aliam praeceptum bene possit injungi opere in poenitentiam, ut supra dictum est, non tamen opus praeceptam eodem titulo satisfactoriae sacramentalis. 814. — « 6. Even though it can also be imposed internally, as against t. 4. resp. 241. » nevertheless commonly it ought to be external and afflicting, for example. prayer, almsgiving, charity. For almsgiving and penitential bodily affliction suit avaricious and luxurious persons.

Whether however it is licit to impose prayers for the dead to be recited, this can be doubted. Vega t. 2. c. 64 et Joan. . 16. n. 1. deny: affirm more probabiliùs 37. dub. 4. Card. de Lugo d. 25. sect. 5. See » p. 3. res. 54. It must be noted that both prayer and almsgiving, as well as any other good work commanded in the Sacrament of Penance, count as a penitential and afflictive work of punishment, according to what common Doctors teach,

because with regard to us, by reason of the state of nature into which we have fallen, any virtuous action has a character of punishment, on account of the fact that having lost original justice, we are all inclined towards earthly and private benefits.

Thus it is stated on day 7, question 14, point 3. Castrop. d. un. p. 21. §. 3. n. 1. . 6. de n. 9. Pitig. 2. p. dist. 15. q. 1. art. 3. concl. 1. et . 6. de Pœn. c. 10. n. 26, cum aliis et Busemb. ut supra. The same author, newly learned in doctrine, wrote in his book titled "Instruz. per li Nov." cap. 16, n. 373, where he said: "Ma qui s'avoerta che noi non chiamiamo, né stimiamo, inutile la penitenza qualunque ella sia, che s'involge nel Sacramentum, essendo certo che un semplice segno di Croce congiunto con esso Sacramentum è efficace per soddisfare; tanto più che nello stato presente della natura caduta ogni opera buona è in qualche modo afflittiva e penale." The good is confirmed by Saint Francis de Sales in his Philothea, chapter 23, page 201, where he says: One has a penance to fast, another to visit the sick, to confess, to preach, to assist the desolate, and to pray, and similar exercises; this penance (that is, of praying, etc.) is worth more than that other (that is, of fasting); for not only does it equally subdue the body, but it produces much more desirable fruits. Especially is it confirmed by St. Thomas, who says: "Every prayer" has a reason for satisfaction, because although it has sweetness of spirit, it nevertheless has affliction of flesh (as Gregory says in his homily 14 on Ezekiel). While the strength of interior fortitude increases in us, doubtless the strength of the flesh is weakened.

(S. Th.) The doubt concerning this is discussed hereafter. Can an internal work be imposed? They deny that penitence, since it is a part of the Sacrament, should be sensible. But rightly with the common opinion they affirm 25. n. 67. Pont. de Matr. l. i. cap. 7. n. 4. Question Nonei. n. 10. cap. 10. n. 27. cum Con. et sic respondetur rationi oppositae.

Dubium 2. Can an obligation be imposed regarding the application for the dead? They deny that a work of penance should be imposed for application to the dead, because then the work would not profit the penitent himself in satisfying for himself, according to necessity. But more commonly they affirm, and with greater probability §. 3. n. 5. Lugo d. 25. n. 62. cum Turr. Anacl. p. 635. n. 30.

Sporer n. 570. . 246. n. 37. cum Aorsa, Hurt. ubi dicitur: « Igitur » universae satisfactionis modum-culpae ratio temperabit. But it is especially fitting for those who are penitent to set aside certain and definite days for prayer, so that they may offer prayers to God on behalf of all, above all for those who have departed this life in the Lord. The reason is because every almsgiving is truly meritorious, and although the satisfaction of that work

is then applied to the dead at that time, yet the satisfaction of good will in the penitent, by which the work is performed, itself yields. It can also sometimes be enjoined to cease from some good work (e.g., excessive corporal affliction), or from some abstinence contrary to Communion, in order to promote a greater good of penance, if a prudent Confessor judges it expedient for that end. » Salas, sectio 3. » contrary to John of St. Thomas.

It is doubted whether a cessation from some good work, namely from Communion, fasting, etc., could be imposed? Sancius denies this on day 33, because this would not be a meritorious work. But commonly rightly affirming with Busemb. and others, Lugo d. 25. n. 64. cum . 36. cum Mol.; namely, that it is not even possible to impose a cessation when the omission of that work might perhaps be an occasion for others to judge, because it was enjoined in penance from the Confessional, according to said n. 512: «8.». Even though it can immediately be imposed after absolution, still it is enjoined » « (as commonly said in no. 42. Violent question 6. » art. i. in fine cum Diana, et cum communi); debet tamen fieri ante, ut servetur ordo judicii. See LIB. 314.

VI. TRACT. Fourth. OF PENANCE. CHAP. I. t 4. resp. 136. et p. 5. t. 13. res. 36, ubi ex capite finali, et Och.

» It teaches that although custom has it that it should be done in this way, nevertheless it did not introduce an obligation. 818. — « Resp. 2. A penitent is commonly held under a grave obligation to accept and fulfill penance, if it be reasonable, as the common opinion against Cajetan holds. Syll. . lib. 7. cap. 2. Diana page 3. tome 4. Reg. 51. et p. 2. t. 15. Response 52.

» (But I do not agree with this according to what I said in n. 510 in » fin.) » « I said generally; because it is probable that Laya teach. Book 4. Title 6. Decree 15. Title 4. Reply 136 against the Council. Henryk and others, to be bound by penance only in cases of venial sin: I. If it has been imposed for the sake of mere venials alone. Thus » cited against Henry. If for venials confessed otherwise.

III. Omission of a part is not serious in the confession of mortals; or even the omission of the whole; if it be light, for instance. "one with t. 4." R. 102. and p. 6. t. 8. R. 45.

"To omit one 'Miserere' lightly is also counted, §. 4, n. 11, and Lugo, d. 25, n. 74." Rosarium » truly B. Although it is minimally fitting to call the

Virgin mater leonis, it cannot be said even of five decades. If the confessor refused to bind under mortal sin; because although he can impose penance freely and without any obligation, as is proven in section 7, chapter 38. Henryq. Fill. d. 10. dub. 8. n. 65. contra (Et sic insinuat agens dum P. Segneri in suo Parocho Instr. ac Croix l. 6. p. 2. num.

» 1249. si paenitens non acceptaret paenitentiam impositam » Vide » t. 4. R. 241. and p. 4. t. 4. R. 82. V. It teaches that those who gain plenary indulgence are liberated from the burden of penance (unless it be medicinal), T. 12. R. 3. and p. 9. t. 6.

R. 56. et de Lugo, idemque contra Val. March. et » » « I have spoken 2. If it is reasonable; because if it is just that it be more grievous and difficult, and the Confessor does not wish to moderate it, then the penitent will not sin gravely by departing without absolution, if he submits his sins to the judgment of another priest according to what they teach. But rather, he will not be obligated to do so, if it is completely unjust, or if the penitent cannot fulfill it at all; or if he has forgotten it. » Neither then is he bound to anything else, even though it would be expedient that he who either culpably or without fault has forgotten himself might petition for a similar imposition in his subsequent confession. Thus Conin. t. 4.

R. 241. contra Richar. et Sylo., qui putant talem Confessionem esse repetendam: quod praeter AA. citatos negat etiam ex Vasq. docens, talem satisfacere, si confiteatur illud peccatum oblivionis culpabilis. Here several matters are encountered that require discussion. It is doubted whether the penitent is bound to accept just penance, which the Confessor imposes? Three are the opinions. The first opinion denies it, which is held by Opusc. tr. 6, q. 2, ad 2, and they consider it probable, Sporer n. 548 and n. 7, because one is not bound to accept it if he wishes to resolve it in Purgatory. The second opinion, which n. 20 holds along with Sotus, Med. 25. n. 68., and Soto, Zerola, sect. 3. q. 12., states that it is possible not to accept [it], but if one accepts it, one must be bound to fulfill it.

The third opinion is common and true, which is held in 38, sect. 7, n. 2 (who calls the opposed ones temerarious, Lugo l.c.) where it calls our opinion certain with Vasquez and also n. 52 with St. Thomas, Paludanus, and P. Soto; it says that one sins who does not accept penance or does not wish to fulfill it, and yet wants to receive absolution. Reason, because, as Inter proteritos teaches (in Bullar. tom. 3. n. XXI §. 65.), justly is the penitent bound to impose penance, so the penitent himself is bound to accept it. It is nevertheless probable that if to the penitent it should seem that such penance is justly more grievous or excessively burdensome in respect to his weakness, then if the confessor would not wish to moderate

it, he could still depart without grave fault and absolution, and go to another confessor, as they say with Busemb. and Coninch. above, Suarez d. 38. sect. 7. n. 4. n. 6. . 228. And this is to be understood thus: if that penance were truly irrational or unequal for the debilitated powers of the penitent; for if it could easily be fulfilled by him and he would refuse it out of mere idleness, and would wish to be absolved with light penance, it does not seem possible to excuse from a grave sin, because (as Lugo well says n. 69.) justly would the priest have sinned in imposing light penance without just cause for serious faults, so too would the penitent sin in wishing to receive absolution without cause with less grievous penance. 817. — It is doubted: Whether a penitent commits a grave sin by omitting to fulfill a severe penance imposed for venial or mortal sins confessed? Common is the opinion that if a light penance is imposed, there is no obligation to fulfill it seriously, even if the whole is omitted; § 4 n. 11. Lugo d. 25. n. 74. Renzi caput 2. sectio 3. quaestio 14. . 38. sectio 7. nomen 5.

Cross n. 1278. with Avers. and others frequently. Reason, because a light matter is not capable of a heavy obligation. It does not hinder that the Sacrament may appear incomplete, for that is already complete essentially; and completion integral through a light matter does not obligate except lightly according to the matter. The doubt arises when the matter of penance is grave. The first probable and more common opinion states that a grave sin is committed by omitting that which ought to be done, as Lugo and Palladius, ll. cc., sect. 3, p. n. 4, q. 2. Response 2.

Concina page 423, number 11, note 62. Esc. lib. 17. n. 206. cum et Nugno. Reason, because the weight or lightness of this obligation is not taken from the gravity of the cause, namely the confessed sin, but from the matter of the precept, that is to say, the penance imposed. The second opinion, however, sufficiently probable, denies this obligation to be grave; thus n. 43. c. n. 7. Diana page 3. tract 4. R. 136. and probable they consider Lugo n. 76.

Mazzotta to. 3. p. 381. n. 4. cum cum Soto Palud. Fill. The reason is that in this case, the matter of satisfaction imposed is not necessary as regards its gravity; hence it was fitting for the confessor not to be bound by it, nor indeed could he impose it under a grave burden, so neither could the penitent fulfill it under a grave burden. It is likewise untenable to say that contrition is not to be proportionate to the sin, but to the temporal punishment due for the sin; for it is replied 1. If this were the case, undoubtedly a grave penance should be imposed for each venial sin, since each venial sin, indeed even the gravest, deserves a grave punishment. Resp. 2. quod ex Tridentino poenitentia injungenda est pro qualitate

criminum, non autem pro poena. I nevertheless feel it necessary to say with Roncaglia (to whom even . c. also agrees), that if by chance those venial sins very much dispose the penitent to mortal sin, then the confessor could impose a penance upon him gravely, so as to remove him from the danger of committing mortal sin; and then the penitent would be bound, if he wishes to be absolved, to accept and fulfill that penance.

Furthermore, I hold that if the penitent has not performed a sufficient penance for those mortal sins confessed, then if he again subjects himself to the same clemencies, the Confessor can properly impose grave penance upon him; and the penitent, if he accepts it, is bound to fulfill it. Teneatur autem poenitens implere circumstantias poenitentiae impositae sub mortali, nam ad recitandam coronam flexis genibus, brachiis extensis, et similia? Resp. nulli dubium, quod omissio circumstantiae erit saltem venialis; quando vero erit vel ne mortalis, pendet ex molestia levi aut gravi, quam affert circumstantia, vel per se, vel respectivè ad poenitentem, prout significaverit Confessor poenitentiam imponens; ita communiter 4. c. 12. n. 8. Lugo, dated the 25th day, number 93. Book 5, article 2, number 4. Renzi c. 2, sectio 3, quaestio 16, caput 4, n. 14, el Croix n. 1280 cum Dicast. Aversa, etc. 818. — There is doubt 3.

Whether a confessor can impose severe penance for grave sins, but under a light obligation? The first opinion denies this, which is held by Renzi c. 2, sect. 3, q. 14, and Bonac. qu. 5, sect. 3, p. 4, n. 4, with Coninch. et Nugno. Reason, because although a legislator can in serious matters obligate only under a light penalty, nevertheless in this Sacrament the confessor is not considered as a legislator but as a simple minister, since he acts in the name of God; hence he cannot impose a seriously grave matter under a light penalty. The second sentiment more commonly affirms what Busemb. holds as stated above with Henry and Fag. 38. sect. 7. n. 5. Filiiuc. tr. 8. n. 54. P. Segneri Instructio ad caput 4, chap. 2, n. 6, et vocat probabilem articulum 1, n. 2 cum Medina et Diana.

Reason, because truly (as their own adversaries concede, and as it has been said in 1. 1. n. 143), any legislator can prescribe a serious matter under a light penalty. The opposite reason does not hinder; for in this Sacrament the Confessor not only acts as a vicar of Christ, but is also constituted by Christ as a true judge and legislator, who, from the power entrusted to him, remits sins by releasing them and imposes precepts regarding the obligation of satisfaction to be fulfilled: hence the gravity of this obligation does not arise from the force of the Sacrament, but from the command of the Confessor. This second proposition, speaking per se, seems to me very probable, but I would not approve it if the Confessor were to wish to impose entire penance for grave sins under a light matter,

except in the case of grievous illness, or of most intense contrition, or some other rare case, in which it would seem altogether expedient to proceed to salvation of the penitent; for I hold that the Confessor is always bound by the Tridentine precept to impose some grave work under a heavy obligation (as I said already n. 510 at the end); although it may be light with respect to the number and gravity of the sins. Tunc igitur haec sententia poterit valde ad hoc deservire, ut Confessarius postquam imposuit poenitentiam gravem, injungat aliam graviorem sub levi; ita ut si poenitens illam impleverit, sacramentaliter satisfaciat; si vero negligenter fuerit, non gravetur culpa grave. And thus I think that the Confessor acts rightly; for since he takes into account the penitent's weakness, the Confessor can impose only the first grave penance by precept, and a graver one by counsel; and it is better for the good of the penitent that he impose the graver penance under a lighter one, so that all the works imposed may be raised to the merit of sacramental satisfaction. Minime autem approbo id quod dicunt Medina ap. ut supra, nempe quod Confessarius possit aliquando injungere poenitentiam sineulla obligatione; hoc dico est omnino improbabile; nam legislator potest ferre et non ferre legem; sed si ferat, non potest enim eam ferre sine obligatione, cum lex debeat necessario saltem sub levi obligare: lex enim quae non obligat non est lex, sed consilium. 819. — Dubitatur 4.

At the time of the Jubilee, or of a plenary Indulgence, can the Confessor grant absolution without any enjoined penance? The first opinion affirms this, and such is held by Lugo on the 27th day, number 21.38. section 10, numbers 10 and 9. with Toletto, and Sa., 6th article, 1st number, verse 1. Fifth (yet they limit this: and the same [doctrine] he taught in question 25, article 1, ad 3, where responding to the objection that a priest cannot remit penance, since this is part of the Sacrament, he said: "By doing so for Indulgences," he fulfilled the penance which was due, from the common goods of the Church." He nevertheless subjects them to the fourth: "Nevertheless, it must be considered" for those who seek indulgences, lest on this account they abstain from the operations imposed by the treasury of alms. The reason for this judgment is that penance is principally imposed in order to satisfy temporal punishment, which has already been entirely remitted through Indulgence. But notwithstanding these things, it must be held contrary to Concilium 3i8 LIB.

VI. TREATISE. Fourth. ON PENANCE, BOOK I. p. 407. n. 6. q. 7. and Croix number 1273. with Fill. The Pontiff among the past ones (See in Bullar. to. 3. n. XIX. §. 65.) condemned the contrary opinion as lax, saying that it cannot be thought that a true penitent seeks Indulgences with the pretext of wanting to exempt himself from fulfilling the sacramental penance. Reason 1: because, in order for the Penitent to be certainly released from a

certain penance through Indulgences, he should be certain that he is acquiring it; but this is very uncertain; hence, he cannot satisfy with a doubtful solution what ought to be done with certainty.

Reason 2. because although certainly one might gain indulgences, nevertheless he must always fulfill some penance (which is an integral part of the Sacrament), so that the Sacrament does not remain mutilated. I said some penance, for commonly and most probably, apart from the aforementioned articles for the first opinion, they say number 21. 3. chapter 11. n. 8. Sporer n. 258. . 248. et num. 12. cum Soto, et Henr. causa Indulgentiarum bene posse à Confessario poenitentiam diminui, modo aliqua imponatur, quia per eam jam integratur Sacramentum, et contra per Indulgentias probabiliter satisfit poenæ temporali de bonis communibus Ecclesiae, ut docet D. Thomas loc. cit. 820. — Dubiatur an si poenitens oblitus sit poenitentiae injunctæ, teneatur repetere Confessionem, ut aliam poenitentiam accipiat? First opinion, which S. T. I. 14. cap. 19. §. 19. and sect. 3. p. 3. n. 9. with Sylow and others holds, says that one ought at least to repeat the principal sins to be repented of, so that a fitting penance may be imposed upon oneself: because the penitent should take care, as far as possible, that the Sacrament be made whole; for he who is bound to reach the end, is also bound to reach the means. The second however is the common opinion, which Lugo holds on the day 25, note 87, notes 19. Sporer n. 552. with the common, Croix n. 1275. q. 7. art. 2. n. 6. tr. 4.

R. 241. num. 244. cum et n. 83. cum ut specialiter notant Soto et aliis. Reason, because from one side it is no longer bound to penance, since the fulfillment of that [penance] has become impossible for him; from another side it does not seem to derive this obligation to repeat Confession, so that the Sacrament may be integrated, since nobody seems to be held bound to repeat his sins, which have always and directly been remitted; for this would be a most grievous burden. Both opinions are probable. But Meritò have adverted Cownich d. to. dub. 9. n. 86. Diana, ... c. and with Cajet. Soto, Nao., and Med., that such a penitent should certainly be held to have the right, if he thought that the confessor still remembered the penance which had been imposed; for then its completion is still morally possible for him. 821. — « I.

Whoever fulfills penance in the state of mortal sin, undoubtedly satisfies the precept when he fulfills its substance; yet he sins, though venially, as Suarez teaches, 4. R. 85. t. 15. res. 53. et p. 5. t. 13. Reply 38. It is taught by t. 7. res. 57., according to Amico, that it is not grave or mortal if it does not differ beyond eight days, and in such a case it should be dealt with as soon as possible conveniently can be. "(This reason is commonly rejected

with n. 65. 4."

c. 2. n. 9. et Croix n. 1288. qui tamen probabiliter excusat à mortali, si dilatio sit ad mensem, si poenitentia sit tantum vindictio. Roncaglia vero damnatur de peccato mortali si pœnitentia differatur per quindecim dies; sed hoc videtur nimis rigidum; nam non est gravis dilatio, qua non affert grave projudicium rei præceptæ, ut ait Lugo d. 25 n. 91 qui addit n. 92: dilatiónem ut sit gravis, debeo esse ad tempus tolerabiles. Renzi autem q. 18. cum Cotonio, et Gloss. in l. fin. C. de Cens. says that it is not a Greek dilation if it is deferred for less than six months; but this seems too lenient. Similarly, he affirms that it is not mortal if one who is obliged to fast on the sixth weekday defers it to the following day; or if one who is obliged to communicate communally each month defers it by six or eight days (they say n. 65: that it is not mortal to defer the obligation of confession by four days, if a just cause excuses). And commonly §. 4. n. 12. with And agrees q. 6. Reply 1.

» thus (properly warns) that penance not be medicinal; so that thereby the danger of relapse be increased. But Croix thinks n. 1277. » When Gob. and Steph. say that it is not mortal to omit one of the ten communions, I do not agree with this. » 822. — Dubitatur i. He who exists in a mortal sin can fulfill the imposed penance. The first opinion denies this, and this is held by Tabiona, Alensis n. 70. And they cite for themselves D. Thomas, who in ar. 2. ad 2. says thus: "Op-” tet.... that works of satisfaction may be acceptable to God, which He gives them through charity; and therefore, without charity, works done are not satisfactory.

The reason for this judgment is that the sinner inflicts an injury upon the Sacrament by placing an obstacle to satisfaction in the Sacrament imposed. The second opinion, which is held by 1. 9. p. 245. Reply 3. Juvenin. 1. 7. page 490. article 3. Antoine p. 519. and also denies that it is fulfilled, if it has an actual affection towards a mortal sin; otherwise if it merely exists in the mortal; thus the aforementioned Authors. Reason, because to satisfy God it is not required the status of sanctifying grace, but suffices the will to please God, which is lacking in him who has an actual affection towards sin.

The third common and more probable opinion universally affirms this, and this is held by them. 38. sect. 8. n. 1. n. 7. n. 69. n. 3. q. 5. Lugo d. 25. n. 30. cum p. 4. n. 15. cum Sa, Ratio, quia ad implendum praeceptum satisfactionis sufficit ponere opus praecepti, licet finis praecepti non obtineatur. It is responded to the text of D. Thomas, that there S. Doctor does not speak of the fulfillment of satisfaction itself, but only of its merit, which cannot be had without charity. 843. — Doubt remains 2. He sins

who fulfills the imposed penance while existing in mortality! The Doctors agree that this is not a mortal sin; but others (as Lugo on the 25th, n. 32, and Aversa, c. 10, n. 70, who think it probable) say in no way does it constitute a sin; because, as they say, there is no guilt in placing an obstacle solely to remission of punishment. Others, however, hold more probabily that a venial sin is committed, because no fault can excuse an obstacle to the partial effect of the Sacrament; thus 38. sect. 8. n. 7. n. 15.

Wig. tr. 13. n. 129. n. 15. et . c. etiam probabile censent. They say however Wig. [holds] against Scotus, 824. – "2." They teach that penance (even medicinal) imposed under this condition: if again he falls, neither to accept nor to fulfill it is necessary, since the confessor is neither judge nor physician of sins committed, according to Diana part. 6, t. 7. Res. 49. ex Palao, sect. 4., quia non imponit eam pro peccatis committendis, sed commissis conditione reinci dentiae. » « (And thus to be held according to what is written in the third book, chapter eight, notes eleven and twenty-six and thirty-eight, with Aversa, and others. That, however, is to be understood, provided a proportionate penance is imposed for confessed sins.) Therefore, it is dispensed from obligation.

It is said in sec. 3, q. 18, that if a day is assigned for the fulfillment of penance, after it has passed, there is no longer any obligation to fulfill; but rather, it must be held entirely oppositely according to tr. 13. It. 37. Renzi l.c. ac Croix n. 129. cum Aorsa, et Mendo. They say moreover in the aforementioned place. Sporer, Con. et Gob., quod si alicui sit imperatum jejunium die Sabbati in honorem B. M.

V. after that transaction having been concluded on that day, one is not bound by another. But this opinion does not displease me, firstly because the fast is principally intended from the Confessional, and secondly because, when the matter is divisible, he who cannot fulfill the whole is bound to a part. §26. — « 4. It can satisfy through another to whom the Confessor grants this permission, or who himself cannot do it, as Regin teaches in his Fourth Treatise, Fourth Question. Res. 141. But take heed here, according to Prop. 15 damned from : The penitent can by his own authority substitute for himself another one who will fulfill penance in his stead. However, this is not binding unless the Confessor has so wished. » But as to one who satisfies for another, some say that he can thereby satisfy for himself at the same time, others more probingly deny this, as is stated in Sa. §27. — « 5.

Not necessarily fulfilled before Communion. » (Here are opposed four Propositions condemned by Alexander VIII, namely Proposition 16. The order of preceding satisfaction for absolution was induced neither by the

Politics nor by the institution of the Church; but by the very law and prescription, nature itself of Christ commanding so. Prop. 17. By that practice soon to be absolved, the order of penance is reversed. Prop. 18.

The modern custom regarding the administration of the Sacrament of Penance, although sustained by the authority of many men and confirmed by the long duration of many years, is nevertheless not held by the Church for use, but for abuse. Prop. 22. It is sacrilege to judge who claims the right to receive Communion before those adjacent have performed penance for their neighboring sins. *) §28. — "You ask: who can commute penance, and how? " Resp. i. By reason of just cause any priest can do this, if he anew confesses it, as common opinion holds against Soto and Vasquez, at least if the sins have not been reserved: nay, even probably, if such were the case, only that priest who imposed the penance has the power to do so, provided that he still remembers the state of the penitent, and this within so brief a time that it can be considered morally the same judgment, for example, within a week. Henry and others, 4. but even after a longer interval, t. 6. Res. 46. et p. 9. t. 6.

R. 57. contra Ita Syllo. Fill. Reg. Fag. et Card. de Lugo, contra Naon. Henry. Bejamin, t. 4. res. 53. et p. 2. t. 1. misc. Reply 53: Those who say that even another can be involved, do you not repeat the sin?

That opinion, although not based on reason, seems extrinsically probable in practice according to certain authorities (.c. for this purpose 14 authors are adduced, who say that it is assumed, or rather practiced by confessors), and can be observed by confessors when the penitent is 322 LIB. VI. Qui dicunt etiam alium posse non repetitis peccatis. TREATISE. Fourth. OF PENANCE. CHAP. I.

It is more difficult to bring forward again to be confessed sins, or the time thereof does not matter; especially if from the confession (for in it and not outside of it should it be made) they have some confused notion of past sins' penance through present penitence and their own testimony. Thus L. Q. C. 4. N. 22. Lugo d. 25. sect. 6. n. 107 et 109. "Resp. 3. The penitent himself cannot change his penance, even to a more evidently better one, as they teach in moral theology. Conin. d. 10. a. 12. n. 13.

Regin. and others: although it may seemingly be said in the fourth text, fifth thirty-three, and in the fifth part, first fourteen, response seventy-three, according to Porc. And temerarious, C. de Lugo commonly says in the sense repugnant to both theologians and faithful, it is said that d. 23, sect. 6, n. q5, should one so change it for himself, be held to repeat the Confession made? Resp. si confitetur eidem Confessario, non erit opus eam

repetere, dummodo Confessarius adhuc confusè recordetur statūs ejus conscientiæ. If however he confesses to another, there are two opinions: The first opinion holds that it is an obligation to repeat the confession, and this is held by n. 16. Lugo, day 25, no. 107. §. last number 13, no. 20, q. 3, no. 616. Croix n. 1295.

Eibel p. 171. n. 243. n. 588. . 4. c. 3. n. 22. et n. 79. cum ; hoc autem iudicium non potest exercere nisi poenitens sua deferat crimina. Ratio secunda. Quia poenitentia, ut docet Tridentinum, non solum debet esse punitiva, sed etiam medicinalis, nempe ut non tantum sit in vindictam vitæ anteacta, sed etiam in custodiam futuræ; nequit autem Confessarius convenientem medicam poenitenti applicare, nisi culparum ejus notitiam habeat. The second opinion, however, sufficiently probable denies this obligation, and those hold it, n. 22. Tolei. 1. 3. c. 11. n. 12. p. 3. num. 8. Therefore, it is thus. Satisfacere, n. 5. tr. 15.

R. 53. when Henry, as above, Lugo n. 109. n. 17. Spore n. 589. et . . 47. tam locis cit. Reason, because in this second Confession no judgment is passed upon the sins confessed in the preceding Confession, where the judgment has already been formed, but merely the weakness or infirmity of the penitent in fulfilling penance is treated, and thus the first reason is answered. It is more difficult to respond to the second [objection]; but it can be responded to, that the Confessor, by converting penance into an equivalent or lesser one, can rightly administer medicine to other confessed sins, either by imposing equivalent penance, or by reducing given penance according to the disposition of the penitent. However, the same AA. of the first sentence (as Palaus, Eibel, and Croix affirm) admit that in this case it is not necessary to repeat each individual sin, but only the principal ones, as much as suffices for the knowledge of the will having the state of penitence. They also add probabilièr num. 22. c., and that if the Confessor observes that the penitent has not fulfilled the penance, nor will it be easily fulfilled, even without his request, he may nevertheless commute that for him.

It is doubted 2. Whether a lower Confessor can commute penance imposed by a Superior for reserved cases? The first opinion more commonly denies it, and this is held by Gonet d. 13. n. 36. sect. 10. n. 24. Lugo distinguishes chapter 25, note 104. Sporer number 5185. number 16. section 3. question 27. likewise etc. according to number 72. Reason, because an accessory follows the nature of the principal: hence it was fitting for the Superior to reserve judgment in the principal case, namely in absolving reserved cases; thus remains the imposition of penance, which pertains to the same judgment.

The second opinion asserts this, and Palaus holds it on page 21, section § ut n. 7, and Elbel mentions it in note n. 242, when they call it probable. The learned authors say that if the penitent again submits to a lower authority, this one can form a new judgment concerning them, and thus change the penance. It does not hinder, as they say, that the lower authority lacks power over the sentence of the superior; for when the reservation is removed, both have the same power. Tamen his non obstantibus prima sententia mihi arridet: nam licet hic et nunc inferior novum formare possit judicium super illa peccata, si rursus ei deferantur; tamen nullam habet ipse facultatem mutandi sententiam superioris in judicio priore ab eo lato; principium certum est quod nihil potest inferior in legem superioris. But I consider probable what they say in n. 6 and Renzi loc. cit. with . Victor. Because then the inferior legitimately could commute penance according to the presumed agreements of the superior. It is doubted 3.

Whether the confessor can commute penance and change the confession? It is certain that another confessor ought neither to change the penance outside of Confession nor even an unjust one imposed initially, as common opinion states in Dionysius, II tract. 1, chap. 5. R. 5 3. (contra Valer. et Victor ell.) . 10 n. 74 et Croix n. 1293 cum Lugo, quidem merito opprimi probabilem. Whether the confessor, having imposed penance, can change that penance unjustly after the first imposition according to common opinion, as Diannap. 2. tract. 1 5. R. 5 3. (contra Valer. et Victorell.) 10. n. 74. et Croixn. 1293. cum Lugo, quim erit oppositam vocat improbabil - em. If the confessor can change penance outside of confession unjustly at first imposition according to common opinion, Coninck. n. 46. dub. 8. finally considers him able to change penance outside of confession, but not beyond or below the day; Sporerveron. 586. cum Soto et Valent. extenditad infra biduum; Busemb. et Dianal. c. cum Henr. . etc. extendunt ad hebdomadam, imo Lugo, Auresa, Gab. etc. apud c. id permittunt ad huc per longius intervalhum.

At Verius puts it to be said with the common sentiment, which Bon. holds, p. 3, n. 7. Council, p. 4 3 3. n. 1 7. et. with. Syll. 3a4 LIB. VI. TREATISE. Fourth.

OF PENANCE. CHAP. I. Vegu, Reg... 830. — Since it is very advantageous for penitents that they be more easily induced to greater acceptance of contrition and more firmly restrained from sins, as the Roman Catechism, D. Antoninus, and D. Charles Borromeo advise by indicating penances which were formerly prescribed in the Penitential Canons for certain crimes; therefore I have deemed it worth the labor to add some principal ones from these said Canons according to the First Precept. He who has

fallen away from faith shall perform penance for ten years. 2. Qui auguriis et divinationibus servierit, et quive incantationes diabolicas fecerit, poenitens erit annis septem. 3. Respiciens furta in astrolabio, poenitens erit annis duobus. 4.

Si quis ligaturas, aut fascinationes fecerit, poenitens erit duos annos. 5. He who has consulted magicians will be in penance for five years. Regarding the Second Precept. 1. Whoever knowingly has sinned against the precept, shall eat for forty days bread and water, and during seven following years let him repent; and never let him be received as a witness, and after this let him receive Communion. He who shall have committed perjury in the Church shall perform penance for ten years. If anyone defiles God, or the B.

If anyone shall publicly blaspheme a virgin or some saint outside the doors of the church on Sundays for seven days, during the manifest celebration of Masses, he shall stand there on the last of those days without a cloak and shoes, with straps around his neck; and for seven preceding weekdays he shall fast on bread and water, not entering the church at all. Each of those seven days of the Lord's day, if he can, let him feed a poor man three or two or one; but if not, let some other penance be imposed upon him. Let him who refuses entrance to the Church be forbidden entry, and may he lack ecclesiastical burial at his death. He who shall have violated a simple vow, let him make satisfaction for three years. Regarding the Third Precept. 1. He who shall have performed some servile work on a Lord's day or feast day, shall do penance for three days upon bread and water.

If anyone shall have violated the fasts appointed by the Holy Church, he shall perform penance for twenty days on bread and water. He who shall have violated fasting during Lent, for one day he shall do penance for seven days. During Lenten time eating flesh without an unavoidable necessity, during four [days]. Pascha shall not communicate; besides, let him abstain from flesh and wine. Regarding the Fourth Precept. 1. Whoever has spoken evil of his parents, let him repent for forty days on bread and water.

He who has injured his parents, three years. 3. Quis percussisset, septem annos. 4. Si quis contra Episcopum, Pastorem, et patrem suum insurrexerit, in Monasterio omnibus diebus vitae suae poenitentiam agat. 5. Si quis Episcopi, aut Ministrorum ejus, vel Parochi sui praecepta contempsisset, vel irrisisset, poenitentiam ageret dies XL in pane et aqua. Regarding the Fifth Precept. 1. He who shall have killed a Priest shall do penance for twelve years.

Si quis patrem aut matrem, fratrem aut sororem occiderit, totius vitae sui temporis non suscipiat corpus Domini nisi obitu; abstineat a carne et vino dum vixerit; jejunet secunda, et quarta, et sexta feria. If any man shall have killed a man, he shall always be outside the door of the Church, and at his death he shall receive Communion. Qui auctor homicidii fuerit, propter consilium quod dedit, poenitentiam agat quadraginta dies in pane et aqua, cum septem sequentibus annis. If any woman shall spontaneously cause an abortion, she shall perform penance for three years; if unwillingly, for three weeks. He who unwillingly has oppressed a son, shall do penance for forty days on bread and water, with legumes and clerics: he shall abstain from wife for the same number of days. Then the penitent will perform three years of lawful ferias; furthermore, three fasts he shall observe during each year.

He who for the cause of concealing a crime denied his son, shall do penance for ten years. Si quis per iram subitam, aut per rixam hominem necaret, poenitentiam aget annos tres. 9. Si quis aliquem vulneraverit, vel ei aliquod membrum praeciderit, poenitentiam aget unum annum per legitimas ferias. 10. If anyone shall have struck his neighbor with a blow and yet caused him no harm, he shall do three days' penance on bread and water. Regarding the Sixth Precept. 1. If a layman who is free has lain with a free woman who is loose in morals, he shall be penitent for three years.

Qui turpiloquio, aspec- tuque polluitur negligens... poenitentiam agat viginti dies. 3. He who has sinned with his wife in an unchaste manner, penitent shall be forty days. He who shall have fornicated with two sisters, or shall have violated a spiritual daughter, shall perform perpetual penance. 5. He who shall have committed an incestuous act (not so grievous), penitent, shall be for twelve years. 6. He who shall have violated a monialis, let him be penitent for ten years. 7. Si quaedam mulier cerussa vel alium pigmentum sibi oblinit ut aliis viris placet poenitentiam agat annos tres. 8.

Si presbyter cognovit filiam suam spiritualis, quam scilicet baptizavit vel quae sibi confessa fuit, debet poenitentiam agere duodecim annos. Et si crimen sit manifestum, debet deponi et peregrinando poeniteat duodecim annos et postea monasterium intret, tota vita sua moraturus ibidem. 9. For adultery, seven and ten years of penance are imposed. For an indecent kiss or embrace, thirty days of penance are prescribed. Regarding the Eighth Precept. 1. Si quis furrum de re minori fecerit, poenitentiam agat annum unum.

Qui furatus est aliquid de supellectili Ecclesiae vel thesauro seu pecuniam ecclesiasticam vel oblationes factas Ecclesiae; poenitens erit annis septem.

3. He who shall have retained the tithe for himself, or shall have neglected to give it, shall restore fourfold, and shall do penance for twenty days with bread and water. He who receives usury does robbery... and shall perform penance for three years, one year in bread and water. Regarding the Eighth Precept. 1. He who shall consent to a false testimony, penitent shall he be for five years. False witness shall perform penance on bread and water so long as he lives.

Si quis facile detraxerit, poenitens erit dies septem in pane et aqua. Regarding the Ninth and Tenth Precept. 1. A stranger's property covetously desired, and an avaricious person, will repent for three years. 2. If anyone concupiscibly desires fornication, if a Bishop, penitent he shall be seven years: if ... VI. TREATISE.

Fourth. OF DENIAL. CHAP. I. Presbyter, five: if a Diaconus or Monachus, three...; a Clericus or laicus, two years. ## ARTICLE II. ## OF SATISFACTION THROUGH INDULGENCES. ## § I. ## What is an indulgence and what is required for it. 831. What is an indulgence? — 832. What cause is required for gaining indulgence? — 833.

What are required for indulgence? — 834. See Resolutions. And notably n. g. Whether all works ought to be done in grace? And n. io. Is it required that the state of grace be present to gain a plenary indulgence for the deceased?

And n. 19. Does a sin of venial nature, which has not been remitted, impede the acquisition of an Indulgence with regard to other remitted sins? 831. — « Resp. 1. Indulgence is grace whereby, through a certain work, which granting it prescribes, having performed, one owes to God temporal punishment (not however guilt) outside the Sacrament, sacrifice, and martyrdom, by application of Christ's and the Saints' satisfactions is remitted: this either through absolution towards the subjects of the Church, or merely through solution towards non-subjects, such as the dead and catechumens to whom indulgences are accordingly given only in manner of suffrage. Sunctarell, » Bonaventura, Decretum, Distinctio 6, quaestio 1, palmarium 1. 832. — « Resp. 2. For the value of the Indulgence there is required a pious cause, delay [retardationis], and that too according to the common opinion. The reason is derived from the nature of the dispensation of goods, which without a cause effected by the inferior does not hold, and it is dissipation.

Ita vide Lug. d. 27. n. 139. et Wigandt. tr. 14. n. 91. An vero causa debeat esse proportionata? Some deny it according to sect. 3. n. 1, but rather they affirm it Lugo number 141 with Adr. Cajetanus et communis. Nor does it

hinder D. Thomas in 4. d. 28. qu. 1. art. 3. qu. 2., against whom the opponents argue for themselves; for there the Holy Doctor denies that equality is required between works and due punishment of sins, but not proportionality with the sin. The same is felt by Bellarmine, in his work On Indulgences, book 1, chapter 12, section 2.

But he rightly warns that the subjects should not judge whether a cause is just or not; for they should simply consider it to be just.) © 833. — « Resp. 3. For obtaining indulgences certain conditions are required. I. That he may be baptized. II. That he may be baptized. That it may be subject to the consenting party.

III. That it may not be bound by major excommunication, as is stated in the common; because this deprives communion of spiritual goods. IV. That it may be in grace at least then, when the prescribed work is completed, because the penalty is not remitted before guilt. "See below note q." Busemb.) V.

That the enjoined work may be fulfilled morally entirely and intact. VI. That the prescribed work be honest at least in respect to its object: for it is sufficient that it be venially vitiated by an evil end, or by some other corrupt circumstance (as Suarez and others commonly teach against the Council), at least so that it not lead entirely to a purpose proposed by the Pontiff, as this is limited. Reason for the subsequent one, because the reason of the commanded work is the attainment of the end intended by the Pontiff. See 6. question 1. page 5. Others distinguish as Mazzotta t. 1.

p. 244, et Bonaventura, dictionarium, lib. 6, quaestio 1, p. 5, n. 15, cum Nao. et caput communiter: quod si peccatum veniale afficit substantiam operis, puta si quis orat vel dat elemosynam propter vanam gloriam, tunc non lucratur Indulgentiam; vide n. 536. » n. XVIII. Thus if it is not concerning the substance, as when someone prays distractedly, etc., as above commonly; against Wig. tr. 14. n. 93. who denies this, that an indulgence be given to placate God.) 834. — « 1. Even he who has granted them can also enjoy indulgences. « 2. Death does not extinguish those that are granted as a result of grace, when they are such, nor before the knowledge of the revocation, as Sa states. Although they are to be understood as sounding; since, however, they are of grace, they are generously to be interpreted (excepting the injunctions of penitents, according to 20. n. 77), provided that the propriety of the words is preserved.

Wherefore they are to be considered perpetual, if they are given without a limitation of time. Even though given for the article of death, according to

Sa, it will expire when once accepted; yet the contrary is probable, on account of the reason given. Ella autem non requiret applicationem Confessarii, aut ministerii alieni. Quintan. in append. t. 9. d. 4. It is expedient, however, to frequently excite the dying to the invocation of the name of JESUS and MARY, and simultaneously recall to their memory the intention of gaining these Indulgences ibid. d. 4. For it is probable that, if it has several images, grains, rosaries, etc., blessed by one and the same concession, or by different ones, it can be gained as often as the name JESU is repeated, or the required work is performed in excess, ibid. d. 6. ex d. 5.

The dying can earn several plenary Indulgences by means of multiple titles granted; and this they can do repeatedly each time they invoke the name of JESU or perform the required work; for instance, because they possess various rosaries, beads, crosses, images, to which these titles are applied; or through the title of their religion, confraternity, etc., provided that certain works are not demanded for a special necessity. Quint. in append. t. 9. d. 4, hoc etiamsi eas vel earum aliquas ignorent aut non recordentur, ibidem ex Lugo, Diana, et aliis 6 contra . etc. 6. It is required that the moribund have with him at the last article a cross, a bead, an image, etc., so that he may profit by reason of it: and indeed, in order that he may more safely and certainly obtain possession thereof, let him have dominion or ownership over it, and hold it with himself. Non tamen est necesse, ut collo appensa, brachio obvoluta, manuve ap- pressa sint (etsi aliquo horum modorum habere sit tutius), sed sufficit esse in lecto, vel juxta moribundum; licet ipse nec videat, nec tangat, nec sciat, aut recordetur se habere (nisi aliud exprimatur). Sufficiet etiam habere commodata, seu quoad usum (praesertim si id in ipsa indulto exprimatur, ut in Caroli Borromæi, et quinque Sanctorum fit). Neque necesse est re- tinere, donec expiret (etsi et hoc sit tutius), sed sufficit in ali- quo mortis articulo habere, in eoque nomen JESU (si hoc requiritur) invoca. ibidem d. 6. « 7. Concessa vivis non possunt applicari defunctis, nisi id erigitur; quia pendet a voluntate concedenti. The concessions made to the living cannot be applied to the dead, unless that is expressly provided; because it depends on the will of the one granting the concession.

It is probable that a concession granted for a certain time may be frequently obtained again by repeating the prescribed works, for example, on the same day, unless an addition be made restricting it: because favors are to be amplified. Ita Henrigh. Rodriq. However, the contrary seems more probable on account of the will of the consenting party, which reasonably presumes the contrary. » See. Card. de Lugo d. 27. sect. 6. a. n. 95. "9.

Although it may have been consulted that all works be done in grace: this is not seemingly simply necessary. Nevertheless it is to be labored by Preachers and Confessors, that when Indulgences are proclaimed, they incite the people to a serious confession. It is questioned whether all works should be done in a state of grace for the purpose of gaining indulgences? Others affirm however, as Bellarm. l. 1. de et Wigandt tr. 14. n. 92, distinguish: they say that if the Indulgence is an indication to God to be placated, otherwise if it is for another purpose, such as assistance to the poor, or the building of a temple. Finally, others more commonly and probably say that it suffices if the ultimate work be done in grace; thus Concina, page 450, number 34, with common number 52, section 5. Cross loc. cit., et 2. n. 6. cum Bon.

And to this opinion adhered N. P. Benedictus XIV, in his work. Constit. Among the aforementioned, where he said: "Considering the fruit of Indulgence least of all to exclude those who do not begin the visitation with Confession, provided that when they finish the last work, they are in a state of grace." "10." That whoever gains merit for the dead, it is probably not required that he be in grace; because He simply sets forth the work as a condition, upon which condition being set forth, Ponusiex applies the Indulgence to the deceased, whether they be the satisfactions of Christ or of the Saints. Ita Escob tom. 7.

E. 5. c. 7. n. 45. ex parte questionis 14. dubia 10. » n. 93. However, the contrary is taught by Cardinal de Lugo in d. 17, n. 75; "requiring the state of grace, at least at the end of the work: which opinion seems safer. "(And this appears more true to me with Wigandt tract. 14: "n. 96. Reply 3: Quianemo potest alius applicare indulgentiam, nisi prius eam fecerit suam. Here however it is to be noted with the same Wigandt. It is noted that although the effect of indulgences for the living is infallible: they are nevertheless not infallible for the dead, since there is no promise to them; hence God accepts them only for His own well-pleasure.) 11.

The prescribed work, while being performed, should be useful to the end conceded by the intent, such as almsgiving prescribed for the redemption of captives, even if it is done in sin; provided that another work be imposed and prescribed in grace (n. 84). But not a prescribed prayer to placate God, if itself it is a sin from adverse circumstances; nor fasting if you are intoxicated, nor visitation of churches without any devotion. Thus « 12. Plures indulgenciæ, diversis viis concessæ, possunt lucrifieri uno et eodem opere, si sit œquè utile ad finem utriusque indulgenciæ; nec sit iterabile intra idem tempus, v.g. jejunium vel communio. Thus Prefect and Laymann. "13." No one profits from Indulgences.

I. Whoever omits the whole prescribed work, or a notable part thereof, out of weakness, or ignorance—whether it be the entire work prescribed, or some notable part of it—for example, if a boy or an old man does not fast; unless indeed this work has been commuted for him into something else on account of a grave difficulty. n. 16. II. He who performs an enjoined work elsewhere, at another time, or in another order than prescribed; or by another, who shall have been the principal cause, as if by another he fasted and visited the churches. l. 7. Who gave an alms to be distributed to a servant, and he retained it, as Bonac says in many places, against S. IV.

Whoever omits something which, according to a probable judgment, or even more probably, is not necessary, provided that it be necessary in reality itself; because a common error does not supply a defect. Thus Bonac. ex multis et aliis. "14. It does not hinder the effect of Indulgence I. Even though from the work performed a small something may be omitted, for example, a ceremony in the sacred rite, or if one eats a little too much during fasting; because the matter is morally considered as fully present. II. If you fulfill a required work through someone else acting as an instrument, for example, when giving alms.

If you give a small alms, unless however it is expressed in the Bull, to be given according to each one's ability: then greater should be given to the rich than to another. Thus Filius. . IV. If you are unable to enter the Church for its visitation on account of the multitude of people, provided that prayer be made before the doors, or in the cemetery. Goodness. V. Even though in the work performed you did not have the intention of gaining Indulgences, as Salas, Bonac., and others teach against it. (And Wigand tr. 14. n. 95. . 6. ar. 4.

Number 4. Croix n. 1325. cum Lugo, Molin. Poll.) » 33o LIB. VI. TRACT. Fourth.

OF PENANCE. CHAP. I. ˚ VI. Even though the works might have been owed elsewhere, for instance, from a command of the Church. Thus « 15. When there is given the power to commute prescribed works into others, this is not necessarily done in confession and from the confessional, where the confessor hears the penitent; but it can be done outside, and by another competent person.

Thus » it is declared in 7. c. 10. n. 8. and Prapos. qu. 14. d. 10. n. 88. « 16. It is more probable that he who performs only a part of the prescribed work shall not gain any part of the Indulgence, unless so little be wanting that it may be considered morally complete. Thus from Na. "17." While it is prescribed that certain altars be visited, it suffices to turn one's heart to

prayer at that same place, as Sa states. Diana. It is limited by Lugo, if it is situated in such a place and location that it can morally be considered to pray at those altars. d. 27.

n. 93. 18. When the Confession is prescribed, unless it is expressed in the Bull, it is more probable that venial sins should be required not as a condition sine qua non, but as a disposition to the state of grace, Bon. l.c. 19. No one attains plenary indulgence of all sins unless all guilt, even venial, is removed when the last work is fulfilled. Whereupon it was consulted that the communication be made ultimate. See. It is certain that a venial sin, which has not been remitted as regards guilt, cannot be remitted as regards punishment.

Thus S. Th. suppl. q. 27. art. 1. no. 6. a. 2. n. 2. Sporer page 234. note 8. and others similarly throughout. That venial sin nevertheless does not prevent the remission of due punishment for other sins already forgiven. Here it must be noted that for indulgences to be gained, confession of sins is required, even venial sins, if there is a reading in the diploma: "Who truly penitent, confessed, etc." Thus from the Decree of the Sacred Congregation of Confessions, it can also be fulfilled by making an act of confession during the vigil of a feast. Thus P. Ferraris Append. aum. 4 § II Quatuplex Indulgentia, and how it differs from Jubileo. 838. See what are contained in Busemb. — 836.

The saints are noted by Bened. XIV. concerning the Jubilee. — 837. What. I. Should all works for a jubilee aimed at profit be completed in one week? What.

II. Is it through an invalid confession that the reservation of censures and sins is removed in Jubilee? Qu. III. He sins gravely who, having been absolved from reserved cases, later commits another work that he does not fulfill? What.

IV. To whomsoever has confessed in the Jubilee and forgotten the reserved sin, can thereafter be absolved by whomever? And from the oblation of commutation of vows? — Qu. V. Having confessed with an intent to profit from the Jubilee, may he remain absolved from reserved penances, if later he does not profit from them? What.

VI. Can one be absolved who has committed a reserved sin in the confidence of the Jubilee? Qu. VII. Can an absolute pardon be given before the satisfaction of the party or his oath? Qu.

VIII. What cases and censures are to be remitted in the Jubilee? Dub. 1. Can those who have been publicly excommunicated be absolved in the Jubilee? Dub. 2. Can it be dispensed with in irregularity? — 838.

IX. Who come in the name of the sick, the captive, and those journeying? What. Who come in the name of the sick, of the captives, and of those journeying? Is a mental prayer, or a slight vocal one, sufficient for gaining indulgences in the Jubilee? What.

XI. How much alms? What. Twelfth. Whether satisfaction for fasts imposed suffices to fulfill other fasts due? 838. — « Resp. i. Another indulgence is total, whether it be full, fuller, plenary, or most plenary, which not only removes the penance enjoined by the Confessor, or by Canons, or as such penance is here enjoined debited, but also takes away all the penalties of Purgatory.

It differs from Jubilee, except accidentally by certain privileges, as that which is licitly dispensed with in certain vows in Jubilee, absolution from reserved censures and penalties, and that any approved Confessor may be chosen. V. If so, sixth question, first part, second point: "Indulgence is partial, such as that of one or several years; also seven years, forty years, shipwrecked years, etc.; also a third part of sins, by which not the duration of Purgatory is signified to be taken away, but so much of the penalty remitted as would be removed through fasting for one or several years, or forty days in bread and water, according to the Canons formerly accustomed to impose." Necesse est autem quando Indulgentiis plenariis adduntur aliquot anni, vel remissio tertiæ partis peccatorum, id secundùm di-versas sententias, vel ad diversos concedentes referendum est; vel facit ad cautelam, ut si fortè causa Indulgentiæ non fuerit sufficiens, saltem valeat ad illos annos lucrandos, vel ut adducta concedatur pro alio tempore, actione et loco; vel de quibusdam causis, ut ea per modum suffragii possit aliis applicari. V. Quando vero Indulgentiis plenariis adduntur aliquot anni vel remissio tertiæ partis peccatorum id secundùm di-versas sententias vel ad diversos concedentes referendum est; vel facit ad cautelam ut si fortè causa Indulgentiæ non fuerit sufficiens saltem valeat ad illos annos lucrandos vel ut adduncta concedatur pro alio tempore actione et loco; vel de quibus, ut ea per modum suffragii possit aliis applicari. Regarding the Jubilee, the following are to be noted. i.

During the Jubilee year in the City, they usually suspend for a while outside the City all plenary Indulgences, as regards the living, even in prisons (although not those who are constituted in danger of death, as Bonaventure teaches in Decretum, VI, qu. 1, n. 2, according to the declaration). » City. Eighth, granted in the year 1625, neither as regards

the dead): also other faculties, such as absolution from cases of the Bull of the Banquet, changing vows, dispensing, etc., granted with regard to lucrative plenary Indulgences. Indulgences are not suspended for particular persons, nor those granted by someone other than the Pope, nor the privileges of Religious, such as absolution from reserved cases, etc., because faculties are suspended only which are granted in order to Indulgences. Thus from the Bull Crus. c. sect. 8. n. 145. ex declarat.

Urban. In the eighth year of 1625. Similarly, neither is the faculty conceded to Bishops by c. 6 for absolving and dispensing with their subjects in all cases reserved to the Apostolic See; nor is dispensation given in irregularities, in impediments of Matrimony, or debts to be demanded, etc., which competently belong to them according to common law. Zerola v. Holy Year, § 4. Quintan. in d. 16. " 2.

Even though it is probable what Nao teaches—that it can often be advantageous to gain indulgences within the Jubilee, extended for two weeks—nevertheless, the contrary is more true, as Congr. 6 q. 1 p. 5 n. 32 affirms that in the Holy Year it can be obtained so many times as prescribed works are performed: this is according to the declaration of Urban VIII. To satisfy then on 1 Saturday before the first Sunday of Advent, as Laymann states, and as Bonaventure says and is practiced by the faithful. Item who confesses and communicates on the last Sunday closing the Jubilee. Other works nevertheless should be done beforehand, and indeed within one week, teaches Lugo d. 27, n. 105. contra q. 5. 2. Who did not preserve the order within the prescribed works. » 3.

If anyone within that time began a confession which materially is imperfect and should be deferred further, he can then be absolved by those reserved, and vows can be commuted: but afterwards outside the time of the Jubilee he can be absolved from all, even those which have been forgotten, with reservations, and also dispensed in the forgotten ones as well: moreover, after that he can do everything the Confessor can after a completed confession, which was before; because, subsequent to the cause, remains the power of the delegate until it is finished. Thus Sa, 2. c. 40. d. 16. Bonac. . l. 4. c. 54. misc. Response 11. Mark 4. He who has neglected to earn the Jubilee in his homeland may earn it elsewhere while "there it lasts."

R. 151. But even in his own country, if at the time of publication he did not have knowledge thereof through invincible ignorance, he can work elsewhere while "there" it lasts. c. 5. When two Jubilees occur in the immediate succession of two days, each of which requires Confession and Communion, there is no need to confess and communicate twice, provided

one perseveres in grace; nevertheless, other works are to be repeated. d. 32. 64, Vide t. 4. R. 166. 836. — Above all, it is fitting to note what has been sanctioned by HH. P. Bened. XIV in sua Constitutione, Inter praeteritos, edita 3 Decemb. 1749 pro Jubiliæo Anni Sancti (in n. XXI.) de qua praecedenter locutus in Allocutione Consistoriali habitâ die 5 Maii eod. anno (vide infra) sic dicit: « Difficultates circa facultates Jubilæi in unum congerere...., « et quaestiones omnes de medio tollere non praetermittemus.

"Adding to this: 'Therefore, the Doctors have falsely interpreted the Constitutions of other Pontiffs, because they did not duly consider the very words thereof.'" » Then in the aforementioned Constitution. Among the past ones, thus he decreed. I. By the words, truly, to those who are penitent and confess, it should be understood that the actual Confession (In the said) II. All visits of churches should be completed in one day, beginning the day from midnight to midnight, or from vespers to vespers. § 13.

III. By the clause: For our and for the pleasure of the Apostolic See, the Indulgences do not cease with the death of the Pontiff; otherwise, if merely said, For our pleasure. § 18. IV. Regarding the suspension of Indulgences, when in the Indult it is said that all and each, even plenary ones, are suspended. § 22. V. Indulgences for the living cannot be applied for the dead. §. 23.

VI. The faculties of Regulars to absolve from cases reserved by the Bull of Comnena remain suspended during the time of the Jubilee Year of the Holy Year, and those vota which are commutated are reserved to the See Apostolic, whether they have been granted with a view to indulgences or for other causes. §. 26 et 32. VII. VI. Jubilee Year: No heresy can be absolved externally. §. 38. VIII. When it is said: Let the exchange of vows be made by dispensation, principal attention should be given to the exchange itself, so that the substituted matter is not unduly diminished; otherwise, if it is said: Let dispensation be made by exchanging, then primary regard must be had to the exchange. §. 45.

IX. The faculty of dispensing does not include the faculty of commutation. §. 47. X. Facultas dispensandi non includitur in facultatem commutandi. Regarding irregularities, concerning whatever may be the controversy, whether an irregularity arising from a sin should be encompassed under the name of censure as an irregularity, is granted the faculty of dispensation from hidden irregularity on account of the violation of censures solely. §. 50. XI. The faculty of commuting pious works is not understood to be granted concerning Confession and Communion (except

with children), or necessary prayer in visitation.

Neither can a commutation be made for works otherwise due. Nec Jubileum acquiri potest per opus aliarum de- bitarum (putà si quis ex legato teneatur dare efeemosynam pauperi), nisi qui Indulgentiam concedit, nominatim dicat, quod per prædictum opus acquiri possit; id enim sæpe contingit, cùm inter injuncta opera trium dierum jejunium præscribitur, dies nominatim indicando, ex g. dicitur, quòd esse debeant tres dies quatuor temporum Septembris. §. 53. Item commutatio fieri debet in opera eundem naturam habentibus. §. 55. XII. Besides the greater excommunication reserved to the Pontiff in the Constitution. Apostolicam penitentiam impositam Sacerdoti complici in turpi peccato, qui extra mortis articulum Confessionem excipit poenitentis et eum absolvit; vel qui in articulo mortis absolvit cum alius Sacerdos non desit; sive cum alius sit Sacerdos sibi fingit quod si poenitens illi confiteatur infamia aut scandalum inde oriturum sit et ideo Confessionem ejus excipit aut absolvit imponitur hie inhabilitas in quocumque Jubilaeo absolvendi complicem poenitentem. §. 59 et 60.

XIII. When all those things which are attributed to the faculties for the attainment of Jubilee are directed and as it were its preparation, it clearly follows that there is no place for the use thereof except with him who shall have prepared himself both for the attainment of Jubilee and who shall have a certain purpose of fulfilling the works imposed. §. 62. XIV. Confessors can absolve and commute vows only in the sacramental forum and in designated churches. §. 63. XV. During the Jubilee Year, or in any case during the time of Indulgences, penance must absolutely be imposed by the Confessor, so that the Sacrament may not remain mutilated. §. 65.

XVI. By the name of the party injured is not understood the Judge, but he who has suffered damage. §. 66. And likewise it is declared that vows cannot be commuted to the prejudice of a third party; congruent with this vow of perseverance in some congregation which assumes the nature of contract and mutual obligation between the votary and the congregation. XVII. If anyone after confession proclaims a mortal sin, he ought to confess again, that the last work may be in grace. § 73. XVIII.

Works accomplished in sin are valid for gaining Jubilaeum, provided they be done with a mind to render honor to God; not however from a vain intent: and thus the last work must be fulfilled in grace. § 75 et 76. XIX. By name of Inculo come all those who are in Rome, with intent to remain there for a greater part of the year, and all who are in Rome through some office or business cause remain there. Confession is necessary to gain the Jubilee, even if one has only venial sins. § 77. XX. Confession is necessary

to gain the Jubilee, even if one has only venial sins. § 77. For other Indulgences, if Confession is prescribed as a disposition, Confession of venial sins is not required; otherwise, if it is imposed as an appointed work, Confession is necessary. §. 78.

XXI. If anyone after Confession falls into mortal sin, although he is not bound to repeat the visitations, he is nevertheless bound to confess again. § 79. XXII. It is not necessary to enter or exit through the Holy Doors in visiting the Basilicas in order to obtain indulgence; although such an entrance is to be esteemed as work of supererogation. § 81. XXIII. If anyone has visited the basilicas before the publication of the indulgence and completes the visits on that same day of publication, he may rejoice in the Jubilee, provided that he perform another visitation of all four basilicas entirely that same day. §. 82.

XXIV. Sufficere debet oratio vocalis: qui autem sola mente orare voluerit laudandus est; tamen aliquam vocalem orationem adjungat §. 83. XXV. One can again work on the Jubilee if he repeats the commanded task; however, one can rejoice in the faculties only during the first time. §. 84. This, however, is not to be understood as referring to the gaining of Indulgence granted to those who visit the Church on prescribed days; then such an Indulgence can be gained only once, ibid. XXVI.

In the concession of the faculty of absolving from censures according to the Bull Coena is not included the faculty of absolving from external heresy. § 85. XXVII. Qui facta confessione est absolutus a censuris, et alias gratias votorum recepit, si mutat propositum implendi reliqua, manet dispensatus a votis, nec reincidit in censuras. §. 86. This addition, which is found in the Constitutions. Celebrationem (in Bull. t. 3 DE SATISFACTIONE. DOUBT.

IV. ART. II. 335 n. XXVIII. §. II.), edita die i t. 3. n. XXVII.) emanata 25 eligendi sibi tempore Jubilaei quemcumque Confessarium, intelligendam esse de quolibet Confessario approbato ab Ordinario loci pro quocumque Monasterio loci illius. Finally it must be noted that during the Jubilee time Regulars can fulfill Confession with any Priest approved by the Ordinary, even secular, as Gregory declared. XIII, et Ita refert P. Ferrar. Bibl. v. Approval of article 2, number 21.

They can also be absolved from that by him even from cases reserved to their Order. 837. — Inquiry I. Whether all works should be completed for the jubilee in one week? To respond appropriately, it is first necessary to note the usual words appended in such Indults, which are: "Those who have attended processions or visited designated Churches," and those who

on the fourth, sixth, and Saturday of one of the two weeks have fasted, and likewise have confessed their own sins, and the SS. Having received Communion; and having given alms, etc. Having established this, negatively they respond to the inquiry. Page 24, paragraph 12, section 3, note 19. Chapter 6, question 1, page 5, note 34. Likewise chapter 5, question 1, and it consents in note 10, if there be a cause. Reason, because when it is said in the Indult that the works are to be fulfilled in another of the two weeks, this does not mean that the completion should be restricted to one week. The second meaning, to which I adhere and which they affirm, and uphold. 4. c. 4. n. 28.

Lugo d. 27. n. 105, (qui contrariam falsam vocat) Sporer suppl. p. 263. n. 173. . 2. n. 3. cum Ugolino, cum c. cum Nunno, ex Sanctorell. Reason, because this is the common practice of faithful men, it also confesses itself. And I likewise deem it fitting to speak concerning Confession and Communion with Lugo and other Fathers of prime authority, who say that he who had fulfilled the prescribed works in the first week could nevertheless fulfill them again in the second week from reserved matters. But the opposite appears more true according to the words added in the Indulgence, having confessed their sins likewise, etc.; therefore, fasts should be fulfilled in one week, just as Confession and Communion should be made alike. Nor is it valid to say with Palao that this simultaneously regards the obligation of works, not of time; for truly a particle also imports the annexation of works, not merely as regards their substance, but also as regards the circumstance of time. However, most probably Lugo says n. 107. v.

I advert to, Bonaventure and Hugolinus. II. cc., quod si quis impleverit alia opera in prima hebdomada, bene poterit ex consuetudine communi perficere Communionem Dominicae immediate sequenti; et idem de Confessione probabiliter dicunt Diana p. 1, tract. 1, et Lugo d. n. 107 cum Soto, Reg., et aliis communiter, qui dicunt hoc olim declaratum etiam fuisse a Gregorio XIII. From which follows (as well noted), Quæreitur II. Whether by means of an invalid Confession in Jubilee absolution reserved penalties are remitted, and the reservation of sins removed? If the Confession has been culpably nullified (whatever Cajetan says, n. 149), it must be altogether denied with Lugo on day 20, note 113, and in article 11, section 6, note 2 (who rightly denies this against Lugo, even if someone had the intention later to make a valid confession). The reason is, first of all, because no one's fraud should be countenanced, and secondly, because faculties are conceded in Confession so that through it faithful persons may clear themselves during the Jubilee; hence he who sacrilegiously confesses, although he really does not wish to profit by such a confession for the Jubilee, cannot enjoy those faculties. And concerning

this today there does not seem to be greater doubt to be entertained after the declaration N. P. n. XIII.

If however the Confession was null on account of a defect of sorrow, and was made in good faith, the same opinion is held by Bonac. d. 5. q. 7. p. 5. §. 5. n. 9. cum cum . Others, however, hold that through this kind of Confession an inculpable liter nullam may have reservation removed; thus Lugo dist. 20. n. 110. c. cum Conc. apud Croix l. c qui n. 1475. considers it probable. Reason, because, as they commonly say (speaking however outside the time of the Jubilee), even Bonac. l.c., 23, p. 15, §. 6, and n. 41, cum utque ipse judicet imponendo poenitentiam et absolutionem ferendo: quod jam fit in casu nostro; unde ad hoc, ut Confessarius possit reservationem auferre, sufficit ut poenitens habeat verum animulum lucrandi Jubileum. But notwithstanding this, the first opinion seems more probable to me, because, since the Pontiff grants the faculty of absolving from reservations so that the faithful may profit from the Jubilee, it is not presumed to grant that to those who cannot profit from the Jubilee with such a Confession. That appears to be confirmed by the words: therefore it is not presumed that he desires to avail himself of those faculties who has not prepared for the Jubilee profit. It is asked III.

Whether he sins gravely who, after having been absolved from reserved cases, subsequently does not fulfill the works imposed? The first proposition affirms what is held, namely 4. n. 2. according to DE SATISFACTIONE. DUB. IV. ARTICLE II. 337 and this judgment is said to be sustained by reason of its subsistence, because in a serious matter that would contravene the intention of the Pontiff who granted those faculties as a means toward earning merit for the Jubilee. But they deny commonly 4. c. 44. n. 53. with Henry 24. p. 12. §. 3. n. 13. q. 7. part. 5. §. 1. n. 18.

Lugo distinguishes [or deals with] number 100 in the twentieth distinction. Sporer p. 269. n. 215. et n. 57. cum Valdo, Diana, et in dubio de præcepto nemo ad illud tenetur. Commonly however they say in opposition to Ugolin: such a one who neglects to fulfill works, minimally recurs to reservation or censure. This has been defined likewise by the same Blessed one. XIV. in the Decree [or Constitution] § 86. It is asked IV.

Whether he who has confessed at the time of the Jubilee and has been forgotten to be required to confess reserved sins, or has omitted to do so for that reason, can thereafter be absolved from them by any Confessor? All affirm that if during the Jubilee time the confessor had an expressed intention of absolving even from reserved sins. If however he did not have this intention, it is negated in §. 3. n. 3. with regard to marriage in I. 8. dist. 15. n. 17. according to St. Thomas and Henry. p. 12. §. 3. n. 9. But

more probingly affirm Bus., as above, c. sect. 4. n. 24. and 11. a. 4. n. 2. with Reg. All however agree that if anyone began Confession within Jubilee, he can subsequently be absolved from all reserved cases. Thus n. 13. n. 9. with Palud. Henry and others frequently.

And this they extend more probably, c. et . Nam etiam qui fuerit confessus tempore Jubilaei, potest postea à quocumque confessario obtinere commutationem votorum? They deny n. 9. and ap. Cross n. 1473. Reason, because the absolution made by virtue of the Jubilee was unable to comprehend the vows, for whose commutation such a request had not then been sought. But more commonly they affirm [Sententia], cap. 40, n. 109. cap. 12, art. ult., num. 3.

Sporer p. 272. num. 237. cum Gob. Portel. and Sanctorell. hold the same even if at the time of the Jubilee he may have remembered his vow. Reason, because (as stated), by setting aside the Jubilee year's authority, the right to profit was taken away for such a commutation. Both opinions are probable. However rightly they advert to 5. 338 LIB. VI.

TREATISE. Fourth. FROM THE OCCULTATION. CHAP. I. Suarez, in his treatise on voting, book 6, chapter 10, note 10, and according to common opinion, it is held that for the commutation of the aforementioned vows, a special cause is not required, but it suffices with that common cause by virtue of which the Pontiff was moved to indicate the Jubilee. It is asked V.

And if a penitent has confessed with the intention of gaining some profit during the time of the Jubilee, and afterwards does not gain such profit because the required work is not fulfilled, then is the reservation taken away on account of what is forgotten? Denies number 17 with the Vassals and considers it probable in section 31, chapter 4, note 23. Reason, because privileges are granted for earning during the Jubilee, and therefore, until that is obtained, a penitent cannot enjoy them. But they affirm probabiles 4. c. 54. n. 45. and de Matr. l. 8, d. 25. n. 21. cum n. XXVII. Wherefore, when the Confessor grants absolution, then the reservation is absolutely removed, not depending rather on a future event; for in the Jubilee nothing is conceded under the condition of a future event. And so, when the removal of the reservation has already produced its effect, the penitent does not relapse into it if later he does not complete the work. It is asked VI.

Whether one who has committed a sin with the hope of obtaining forgiveness during the Jubilee can be absolved by those who are reserved? The first opinion very probably denies this, and this is held by Coar. Lopez,

et Me- noch. according to § 3 n 15, because it is not presumed that the Pontiff wishes to favor iniquity. This is confirmed from the Tridentine session 24 regarding the second proposition, which is more common and sufficiently probable, affirming this, and chapter 4 on vows, section 54, note 18, and section 16, with Henry. Graff. Vega, Nec obstat dicere quod Pontifex sic foveret iniquitatem; nam si hoc esset, Christus Sacramentum Pœnitentiae instituens adhuc diceretur iniquitatem fovisse; non autem debent dici fovere iniquitatem remedia quæ à Superioribus peccantibus præparantur.

It is asked seventhly. By what faculty granted in Jubilee for absolving from secret censures incurred on account of damage inflicted upon someone, under condition that penitents not be absolved unless part of satisfaction has been made or at least a promise to satisfy is given, can absolution be given before satisfaction, or the promise? If the penitent possesses [the means], he should immediately satisfy [his obligation]; otherwise, the absolution would be illicit and invalid; thus 7. de Censur. sect 5. Sporer p. 209. n. 214. et Vioa q. 10. a. 2. n. 9. cum Vass. contra eos qui negant id fieri invalide, quia illud sit potius monitio quam conditio. But the opinion of Suaricus and others as stated above seems more true to me, because that is the true condition which, not being fulfilled, facility is not granted. He says however F Theod. à Spir.

S. c. 9. §. 4. n. 3, sufficere ad absolvendum satisfactionem fidejussoriam aut juratoriam semper ac Confessarius judicet quod absolutio proderit poenitenti nec eum retardabit a satisfaciendo. Verum haec opinio magis speculativè quam practicè est proba- bilis: hinc verùs dicendum cum Croix n. 1453. et . 10. a. 2. n. q, non posse eo casu absolutionem à censuris impertiri, nisi realiter praemittatur satisfactio: idque expressum est à t. 3. n. XX. n. 27.) ubi dicitur: « Ab occultis censuris ob partem laesam incursis (Confessarii) » non prius absolvant, quàm parti laesae poenitens satisfecerit; » vel si prius poenitens nequeat, non eum absolvant, nisi juret se satisfacturum: cùm primùm poterit. "However correctly they say Croix l.c. and 3." Boss et aliis, bene censeri satisfactum parti, si absolvendus ita rem disponat, ut satisfactio sit certè moraliter implenda: prout si poenitens det Confessario, aut deponat apud alium quod restituere debet. And the same [author] says. Before, however, he satisfies the fiscal authority or the judge, it is well that the absolution be given, as he says: "Si vero poenitens sit impotens ad satisfaciendum, tunc validè et licitè absolvi potest eum veriori et communiori sententia, quatenus tenent Sporer p. 269. n. 214."

F. sectio 5., quaestio 24., cum cum., ibidem, qui dicebant non esse absolviendum quem satisfacere non potest, cum satisfactio sit conditio sine qua non). Ratio nostra sententiae est quia non praesumitur Pontifex

impossibilem conditionem postulare. They do not then require a fiduciary bond, or a pledge, or an oath, as Sporer says there and in 6, because (as they say in n. 4 and Nao.). But according to the words of the Pontiff mentioned above, then absolutely at least an oath regarding satisfaction to be fulfilled must be demanded, since it is commanded to Confessors: "They shall not absolve him," unless he swear that he will satisfy. "However rightly they say, ap." Croix n. 1454, non esse opus tali juramento, si poenitens revera esset perpetuò impotens ad satisfaciendum. The aforementioned F. I.

If the injured party accepts satisfaction, or if that satisfaction is remitted, it is permitted even though there has been public damage, as the Gloss says in cap. Quamois de vactis in 6. Hence, if anyone strikes a cleric, it suffices for him to submit himself, or that he forgive the injury, or to conduct himself in such a way that prudent presumption may be made that all offense has been remitted. However rightly Croix warns in n. 1456, against Bonac. and Fill., (contrary to Vipam,) that the remission by a monk offended is not sufficient if the injury has overflowed to the entire community: and Fíllucius testifies this to be the practice of the Holy Penitentiary. II. If a part refuses the just satisfaction offered, then by itself it does not stand; thus the aforementioned Author, loc. cit., says with Candidus. III.

If the penitent relinquishes a part which he can, and a pledge or an oath concerning the remainder. IV. If the debtor cannot then satisfy, except with great damage or in an improper manner; unless the part injured would itself suffer damage from delay. Thus the same Author with Nao and Aola, who add that, when the creditor is distant, the debtor can be absolved if he deposit money in a safe place. Whether, however, one who is absolved from censures on condition of satisfying, will fall back into them if later he does not satisfy? They affirm Nao.

But Sporer more probably denies it. I. c. et Vioa cum Sa, Gob. It is asked VIII. In which cases and censures may confessors absolve during the time of Jubilee? Commonly they say: 7. de n. 638. n. 212. Vioa q. 11. art. 2. n. 1. item Item, licet nequeant absolvi haeresici, absolvi tamen possunt proferentes blasphemiam haeresicam, et fautores aut receptatores haeresicum: necnon legentes, retinentes, vel imprimentes libros haeresicos; ita Croix n. 1451. cum Lugo, Gob.

Diana, and Belleg. and Vioa q. 11. art. 1. n. 6. cum Suarez, et Bossio, contra et alios. Reason, because such crimes, although they may be concerned with heresy, are nevertheless not properly heretical in form. But here there is doubt: whether public punishers of clerics, and others

specifically excommunicated or suspended, can be absolved? They commonly affirm Sporer, p. 268, n. 213, n. 740. Via q. 11. art. 1. n. 5. et Croix n. 1457. cum. Sah, Sayr.

Lay. Dian, Ratio, quia cum Indultum non distinguat inter publicas et occultas censuras, non est restringenda facultas ad sola occulta. That very thing has been expressly conceded by N. SS. Pius in Jubilee of the Holy Year, saying that penitents can be absolved « from censures in law reserved even to the Apostolic See » although public in parts, and although they have been drawn or named and declared and denounced in those same parts by local Ordinaries or others, « From a censure by man, or by any judge » from parts named specifically, can validly absolve to effects of the prescribed Indulgences for obtaining present Jubilee, etc. And it is prohibited therefrom that any testimony be given by the Confessor concerning such absolution of these kinds of censures. It is doubted whether a dispensation from irregularities can be granted during the Jubilee? Bannes affirmant, et art. 1. n. 1, et Henr. probabile vocant.

Salas, et consentient Soto 4. D. 22. q. 3. cum Med. quoad irregularitates ex delicto, quia tales irregularitates habent rationem censuræ. But they commonly deny. d. 1, sect. 3. Mol. 4, 8o, n. 641, cum communi ut asserit, et Vioa l. c., n. 2, eum Fill. et Moia, qui censent nomine censuræ non venire irregularitates, sed de hac quaestione fusius agemus infra in tract. de Censur. l. 7, n. 351. Otherwise 838. — It is asked IX. Who come in the name of the infirm, captives, and travelers, to whom some of the works imposed by the Jubilee can be commuted?

Some things are said to be commutable because Confession and Communion can never be commuted, as commonly stated by the Doctors at Lugo on the 27th day, note 118. It is certain from the aforementioned that those who come in the name of the infirm all are invalids who cannot perform those works without notable detriment or difficulty. And such are also reckoned elders, as is said in the seventh article, second section, number two. But captives are said to be those who are detained against their own will somewhere: in these cases a commutation or postponement of works is granted for the purpose of gaining the Jubilee; finally, on journeys works imposed are postponed until return; and one is not bound to defer his journey (understand, if he cannot defer it conveniently); thus even he who properly extends this to the first week which was not a Jubilee and could have been gained as such. Lugo autem dicit d. 27. n. 126., quod si quis in itineri perveniat ad locum ubi Jubileum promulgatur, poterit illic incipere opera et prosequi in itinere. It is asked X. Whether the prayer and a slight vocal recitation to fulfill the precepts in the Jubilee suffice: Common opinion says thus.

Cross n. 1421 requires vocal prayer, because when the Church, being sensible and external, commands in its name to pray, it intends an external prayer. But probably they say that a mental prayer suffices, Mazzota t. 1. p. 2. 44. et 8. art. 5. n. 7. cum Nuo. Fill. : probabile putat Lugo d. 27. n. 111, quia oratio mentalis est vera oratio; et licet Ecclesia nequeat præcipere actus merè internos, potest tamen eam injungere, ut medium ad Jubileum lucrandum. Whether, however, a small vocal prayer is sufficient? Affirmant. 52. sect. 8. n. q. et Maxiota l. c. cum Fill. item Boss. Diana, et n. 38, quia quælibet oratio jam satis est ad implendam conditionem Indulgentiae.

But Concina in the aforementioned location and Holzmann, and others state that some form of prayer is required, namely five Pater Nosters and Aves, as Mazzota says: or six with the Credo and Gloria, as Sporer states in n. 174, or seven Pater Nosters and Aves, as Holzmann desires in n. 648. Attend further to this, which N. P. Benedictus XIV has advanced in the aforementioned manner, saying: "Although a brief prayer with the sense of fervent piety may suffice, yet it is commonly the case that the brevity of the prayer proceeds from little study of piety." We therefore declared that vocal prayer devoutly employed suffices for obtaining the Jubilee, and it is praiseworthy him who prays with mind and spirit; provided that some vocal prayers be added to that prayer. It seems that the Pontiff admits, when mental prayer is made, to suffice by adding vocal prayer, even though the latter per se is not notable. Here however it is to be noted what many grave doctors teach namely that for the gain of indulgence prescribed by visitation of the Church suffices to pray before the door of the church, or in the cemetery; if you are unable to enter on account of the multitude of people: as stated in section 1, note 7, and question 1, page 5, note 26. with page 247, and Croix note 1433, with Lugo, if you pray before the door of the church when it is closed. Question None

XI. Whether an amount of any kind suffices for alms given as commanded in the Year of Jubilee? In hoc primum debentur attendi verba Indulti; nam si in eo dicatur: « Quantum pro sua cuique facul- tate visum fuerit, » tunc quantitas oportet proportionari cujus- que facultatibus, unde sufficiet pauperi dare obolum, non di- vitæ. Si vero dicitur: « Prout unicuique suggeret devotio, vel quantum quisque pro arbitrio judicaverit, » tunc dicit eleemosynam erogandam juxta cujusque facultates. But F. Theodor. à Spir.

St. Thomas Aquinas in section 5, note 2 holds that even a small quantity is sufficient. If finally it is said simply: He who hath given alms, then it must be distinguished whether the Pope asketh them merely to exercise mercy towards the poor; in that case sufficet (as the aforementioned Author

says); but if alms are sought for the subsidy of some pious work, the same Author, with Passer. ex. qu. 25. art. 2. ad 3., where he expressly teaches this, doth otherwise. It is doubted whether the poor were bound to make alms for the purpose of earning money for the Jubilee? They deny it, and n. 4. But the same Author affirms this with probable authority, and in article 6, number 2, section . 8, chapter, and note 280, Lugo, distinction 27, number 115. Because if the superior does not wish to give, they say but rather it is more fitting to think so.

Dubium 2. Whether the Jubilee Year, which has given alms to be distributed, will profit if they are not distributed afterwards, or if they are distributed after the time of the Jubilee? They deny [the proposition] in Lugo, distinctione 27., numero 112. Sporer n. 180. et n. 8. art. 6. n. 3. cum Bon. Heart. But they affirm S a v.

Indulgence, and Vega, Lezana, and Pasq., according to Vica, because from equity it is presumed that the Pontiff has been contented, so that he himself may have renounced, insofar as it pertained to him, the dominion over the given thing. They, however, concede Lugo n. 113, that one who gives alms to a fictitious poor man is not deceived by indulgence. ON SATISFACTION. DOUBT. IV. ARTICLE II. 343 Quære.

Twelve. Whether the Jubilee satisfies, which completes fastings imposed by another due to a vow? They affirm, Sporer p. 264. n. 168. and Lugo d. 27. n. 110. when they assert with common opinion (but not justly, as we shall soon see); because the same work can satisfy two precepts. But more commonly they deny it in the first chapter of十四 Syl. v. Indulgence, q. 6. and Way of, q. 8, art. i., n. 2.

F. a. 6. et Passer. q. 41. Reason, because with a single solution it is not possible to satisfy two burdensome debts, namely the work or the condition annexed to the Indulgence. And thus today it must be held according to the aforementioned statements by N. P., see above no. 536, below no. XI. END OF THE FIFTH BOOK.... # NOTE. ## ON THE EUCHARISTIA.... — — NOTE I. (Of many.) PRIVILEGES of religious concerning which the matter at hand is communion during Passion time, having long had no place in France, and consequently absolutely must not be contrary to common right. But according to the ordinations of the theologians of the Gallican order, the foreigners lack their own parish proper to them, and they have a parish in the place where they are lodging. NOTE II. (Exitum veniunt.) In Gallia jamdudum usus invaluit non dandi Eucharistiam reis morte plectendis, tum quia vix præsumi possunt recte dispositi, tum ob reverentiam sacramenti debitam.

NOTE III. (After Mass.) In many places within Gallia it has been received usage that communion be given to the dead during the Mass, not however before or after, in black vestments and with particles previously consecrated. Hunc autem usum sequi licet quia decreta S. C. R. legem non faciunt ubi non fuerunt promulgata et recepta. NOTE IV. (Page 46, line 13, ad verbum. Midnight.) Vigilance is set against the Parisian customs regarding accesses and diacritical marks; therefore, it is fitting to give communion also at the missa at midnight. NOTA V. (The same censure.) Concerning the obligation to present oneself before a superior, see what is noted in the Treatise on Censures, NOTA VI. (To communicate or not.) See the added note above regarding penitents who die. NOTA VII. (Private masses.) However, if usage has prevailed somewhere, such as in Paris, it is also permitted to celebrate privately on the Lord's Day and holy Saturday, because, as we have already said, the decrees of the Sacred Roman Rota, although expressly confirmed by the Pope, were not promulgated and thus did not obligate. NOTA VIII. (Instead of reconciliation.) Matters such as these should be read in the Ritual or the statutes of the diocese. It has been received as a custom in France that simple priests, with the permission of the bishop, bless the water and reconcile the church even if it has been consecrated. ## NOTA IX. (Paramenta.) French bishops commonly grant the faculty to bless paraments; for generally they do not consider blessings of the episcopal order except those which are performed with chrism, although certain other bishops reserve some blessings either by custom or law, which can be performed by a simple priest through their delegation. ## NOTA X. (Crucifixi apposita.) Concerning the having or removing of the cross when exposed has been explained in SS.

Sacramentum, sequenda est loci consuetudo, quæ varia est in variis diucessibus. ## NOTA XI. (Divinis officiis.) Nihilominus in Galliis Episcopi potestatem usu retinuerunt concedendi licentiam cum pileolo vel ficta cesarie celebrandi. But commonly is admitted the license that the work may not be done when there is a grave necessity present, provided always that it not be prolonged of itself nor easy to recur to the bishops. Nevertheless, the laws of places must be consulted regarding this matter. ## NOTA XII. (To be borne in mind concerning tolerance.) Finally, it should be noted that everyone is bound to know the special rubrics or customs of their own diocese, lest by departing from these a scandal be given, since the laws and customs are not everywhere the same concerning the many questions proposed at the end of this Treatise on the Eucharist. INDEX OF CAPITULA ET DUBIA, CUI CONNEXUNTUR OMNIA SYMMETRIA, QUÆ APPONUNTUR SINGULIS CAPITIBUS ET DUBII, UT IN HOC PRÆ OCULIS SIMULT HABENTUR OMNES RES ET QUESTIONES, QUAE IN QUINTO VOLUME CONTINENTUR. BOOKS SIX TREATISE THREE. ON THE EUCHARIST.

HEAD I. On the essence of the Eucharist..... Page 1 Doubt I. What is the Eucharist?..... Idem 189. In quibus constituitur, sive consistat essentia Eucharistiae. See the Resolutions with regard to the specific and numerical reason of this Sacrament according to Busembaum. 191. It is asked 1.

Whether the whole specific proportion of the Eucharist will be preserved in either species. Question 2. Whereby is taken the numerical unity of the Eucharist. 192. Whether an Eucharist is necessary to salvation through a medial necessity. 193. Whether the Eucharist is necessary for adults to conserve a spiritual life. DOUBT II.

What material of the Eucharist... 6 194. What is the proximate matter of this Sacrament. Concerning the obligation of consecrating under both species. See what are found among Busembaum. 196. It is doubted 1. Whether this obligation be of divine law or of ecclesiastical law.

There is a doubt 2. Whether the Pope can dispense from it. There is a doubt 3. Whether a consecration of one species is valid without the other. 197. Whether at some time one species can be consecrated without the other accidentally. QUESTION III.

What kind of bread ought to be consecrated in the material of the Eucharist..... 9 198. Only fine flour shall be matter apt [for the Eucharist]. It is not fitting material for the Eucharist: I. Bread from rice, beans, etc. II. Raw flour, or roasted, whether toasted or parched. III.

Bread acted upon with oil, milk, etc. What about water that is not natural? IV. Reddened hosts. V. Corrupted bread. 200. What is the doubtful matter of the corrupt bread?

A from farro, silage, amylo. 201. What kind of bread is a valid material, but illicit? I. If somewhat mixed with other things. II. If sluggish. 202.

Even validly, however, they illicitly consecrate the Latins in the fermented state, and the Greeks in the unleavened bread. It is doubted 1. What if the Latin one passes through Greece, or against it? There is doubt. 2. Whether a Latin may celebrate with fermented wine to give Viaticum. 204. Concerning the broken or spotted host. 205.

Concerning the figure of the host to be consecrated. And is it permitted to celebrate with a lesser host? DOUBT IV. — What kind of wine is the

matter of the Eucharist..... 12 206. What kind of wine is not apt to be material matter. I. Quale vinum sit materia Eucharistiae. Sicera, etc. II.

Country. III. Acted. IV. Grapes. V.

Mustum decoctum. 207. What is the matter valid but illicit. I. Mustum. II. Wine mixed.

III. An ascent. IV. A congelatum. 208. Under the grave precept, water should be mixed with wine. And what kind of water, and in what quantity.

And whether it is to be mystically done in the cup. 209. Let mixed water with wine be immediately converted into Blood. What quantity of water is to be mixed in the cup. What if blood falls upon the altar, or the altar cloth, or corporal, etc.? DUBIUM V.— What conditions are required for the matter of Consecration? 16 211. For a valid consecration, it is required that the matter be morally and sensibly present. From this, hosts enclosed in a ciborium, or in darkness, etc., are validly consecrated.

Nevertheless, invalidly consecrated is also done. Material after the back or wall. II. Material removed. III. Material very small. 214.

It is required that the matter be certain and determined. 215. The host is consecrated by an unwitting Priest. And whether separated drops of wine are consecrated. The consecration is valid. If the Priest determine in any manner. II.

If he thinks that the offerings are fewer in number. III. If after piercing them for consecration, he forgets them. 217. What if the ciborium is left in oblivion outside the corporal? IV. If the offerings are brought after the oblation. 218.

Which are required for a lawful consecration. 219. In what cases shall the celebrant sin by committing an act of consecration. VI. DOUBT — What is the Form of the consecration of the Eucharist..... 220. What words are concerning the essence in the consecration of bread. And what are the words concerning the essence in the consecration of wine. And whether the words should be spoken simultaneously, recited, and significant. 221.

What form be illicit? What is invalid. And what is doubtful. 222. It is inquired about I. In the consecration of bread, certain words are required

beforehand: Who on the preceding day, etc. It is inquired about II.

In consecration of the cup, all words are from the essence. It is asked III. What do these signify, and here? Question is sought IV. Is the Eucharist made if the word "est" is omitted? 224. See more regarding the variation of words.

What if the Priest is distracted in consecrating? DOUBT VII. — How long will Christ remain in the Eucharist..... 225. So far as time permits the species to be consumed. When grace is received. What if the Priest should dispose himself between the beginning and taking? 228. Si ambas speciem vel magis materia accipiantur, plus gratia recipiatur. 229.

What if consecrated wine were poured into another kind of wine, or a spirituous liquor? HEAD II. — Concerning the Causes and Subject of the Eucharist..... 30 DOUBT I. — Concerning the Causes..... Ibid. ARTICLE I. — To whom pertains the dispensation of the Eucharist..... Ibid. 230. It is permitted to the priests alone to minister the Eucharist. Only those priests validly consecrate. What is to be noted about priests consecrating simultaneously one Host, whether with a Bishop, 233.

A parochus tempore pestis tenetur ministrare Eucharistiam. 234. An inferior Sacerdotes ministrans incurrat irregularitatem: 235. Consensus Pastoris sufficit. 236. What, if the Vatican is to be ministered? 237. It is inquired. When it is licit to administer the consuetudinaryia.

It is inquired about the second. Is it permissible for clerics, or even laypeople, to receive the Eucharist through straws in necessity? It is asked III. May a layman administer Viaticum to another in necessity? 238. Whether a priest may communicate himself outside the article of death. Whether others besides the Pastors may minister the Eucharist at the point of death and during Easter. 240.

In what cases is it permissible for Regulars then to minister? ARTICLE II. — What is required in the Minister for the Licit Administration of the Eucharist..... 38 241. A Eucharist to be brought to the sick person with stole, suppellectile, and light. What concerning the Extreme Unction. In necessitate licet currere. 243. Whether it is permissible to defer the reception of Holy Communion on a horseback.

And whether it is permissible solely for that purpose of adoration. Is it

permissible to dispense or celebrate with later fingers? And concerning the middle instrument in the time of pestilence. 245. When one sins by dispensing on account of a defect in the Church's ritual. 246. To whom it is not licit to extend Communion. Communion is to be administered to those who have been condemned head and foot.

And whether to the semi-sane, and regarding those with swollen bellies. How the pastor ought to secure the Eucharist. And that the Eucharist should always be both asserted and deferred with light. 249. Whether Communion should be ministered at a Requiem Mass. 250. What is to be done if the Host falls to the ground? What is to be done with the fragments of the Hostia? 252.

At what hour and on what day may Communion be given. How often is the parish priest bound to minister Communion. 254. What is to be noted regarding daily Communion. DOUBT II. — Concerning the subject or receiver of the Eucharist..... ARTICLE I. — What is required in him as to the disposition of his soul..... 1ibid. 255. On the precept of preceding Confession with Communion. 256. It is asked I.

Whether this precept precedes Confession before Communion be divine or ecclesiastical. 257. It is asked II. He who after Confession remembers a mortal sin is bound to confess that before Communion. Question III. Whether it is bound to be crushed. 258. What if a priest doubts regarding a committed sin? (Regarding remission, it is not excused by the frequency of confession, devotion, or poverty. 260.)

It is excused, however. 1. Peril of death, and necessity for administering the Viaticum. 2. Scandalum, aut nota infamie. What if the Viaticum is deferred to the sick person who cannot complete the confession so quickly? 261. What if the people, or the very Priest himself, should be deprived of the Mass, or of Paschal Communion? 262. What if the Priest should gravely sin while celebrating, or should remember a past sin, would he be bound to confess if he can?

See ibid. Dubitatur 1. And whether one is bound to desert Mass if one cannot confess. See Dubitatur 2. 263. What, if a layman remembers a mortal sin while in the seat of those receiving communion? When it is deemed that there is a lack of the Confessor.

And what distance excuses the Confessor. What if there is neither a simple Priest nor a Confessor who is excommunicated, etc. 265. It is asked I. What

if the Priest should have a reserved sin, and the Confessor, having the faculty, should absolve? It is inquired about II. Then is one bound to confess reserved mortal sins as well as non-reserved ones.

Question is sought III. What, if he have a reserved excommunication? 266. Question IV. How is to be understood the precept of confessing first. Question Five. Let the priest celebrating according to that be held accountable for sacrilege.

Question VI. He who celebrates and confesses, and forgetful of sin. Question is sought VII. A Priest who has not confessed, who remembers the sin after Consecration. Question is made IX. Whether the precept of confessing certain things also obliges laypeople. 269.

The Effect of the Eucharist. It is asked. It is asked whether access to the Eucharist with a venial habitual sin constitutes a new venial sin. It is inquired about II. He who communicates with a venial actual sin will commit a venial sin and lose the fruit [of communion]. ## ARTICULUS II. — Que requiratur dispositio corporis..... 61 271. Pollution and conjugal acts impede from Communion.

It is discussed. What if the pollution were voluntary? And what if it is involuntary. 273. It is inquired about II. Whether it should always be venial to approach the Eucharist after conjugal coition. It is asked III.

If a wife returns what is due, she is bound to abstain from Communion that day. 275. An external stain, like leprosy, etc., impedes from Communion, and also from the celebration. A woman in her menstrual course. Whether the lation of arms impedes from Communion, and also from celebration. 276. A priest communicating outside of Mass should be vested in the stole. As prerequisite to Communion, a natural fast.

See resolutions among Busesbaum. 278. Preface 1, this is not from a divine precept. Praenot. 2, non dare in eo parvitatem materiae. Praenot. 3, requiruntur tria ad solvendum hoc jejunium ex tribus regulis, videlicet: 279. Rule I. That the thing be taken from without.

There is doubt 1. A voluntary transgression in the matter of remaining food breaks the fast. There is a doubt 2. A drop of water mixed with saliva, or a taste of juice. Whether sugar introduced into the mouth before midnight. An aqua hausta a lapsu in flumen.

A blood drawn from a finger. What if it flows forth from the head. 280.

Rule II. That the thing may be taken for the occasion of contention or drinking. There is doubt I. The fasting is broken by the consumption of tobacco powder through the nostrils.

Doubt is present 2. The smoke of tobacco. Dubitatur 3. The leaves of tobacco, or aromatic substances chewed with teeth. 281. Rule III. That there may be taken a thing having the reason of food or of drink.

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A negative doubtful mortal sins. 475. What, if anyone should wish to receive the Eucharist? What if someone should be scrupulous or have a conscience fearful of fear? 477. It is doubted. Whether one is bound to confess some mortal sin in doubt, or whether that which has been confessed is considered confessed. Dubitatur 4.

He who has confessed a mortal sin in doubt is bound to repeat it when he

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This is to be held confessed through interpretation. IV. Moribund. 480. A moribund who gives signs of dolor to a present priest that he may absolve him, so that no sin can be explained away. 481. An ab-solvendus infirmus sensibus destitutus, qui per testimonium adstantium ostendit desiderium absolutionis. Then an absolute absolution to be given either absolutely or conditionally. 482.

What if he has given no sign of penance? 483. What if he has been deprived of the act of sin? 484. When the formal integrity shall suffice on account of the danger of death. 485. Whether a confessor can absolve upon hearing one sin when in danger of contagion. 486. In tempore conflictus, vel naufragii. 487. Who is deemed morally incapacitated.

And what if a sin cannot be explained without violating the seal? 488. Which therefore excuse themselves from integrity of matter. 489. Whether there is an obligation to confess a sin if it cannot be stated without involving an infamous complicit. By what causes it be permissible to reveal a complicit witness in confession, whom one knows? 491. Bulla Bened. XIV prohibiting the inquiry from the penitent about the moment of the complicit sin.

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When the confession is invalid on the part of the penitent. How the confession made to that confessor is to be repeated. 503. What if a culpable sin has been omitted in an innocent manner? Whether a confession, being diminished, can sufficiently meet a great need. 504. What about those who have never explained the species, nor counted them. 505. There is no obligation to repeat the confessions, unless it be established that they are void.

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